

A

0000179481



UC SOUTHERN REGIONAL LIBRARY FACILITY

24 vols  
COST £5



*Sir Will<sup>m</sup> Curtis. Bar.*

£89.<sup>50</sup>



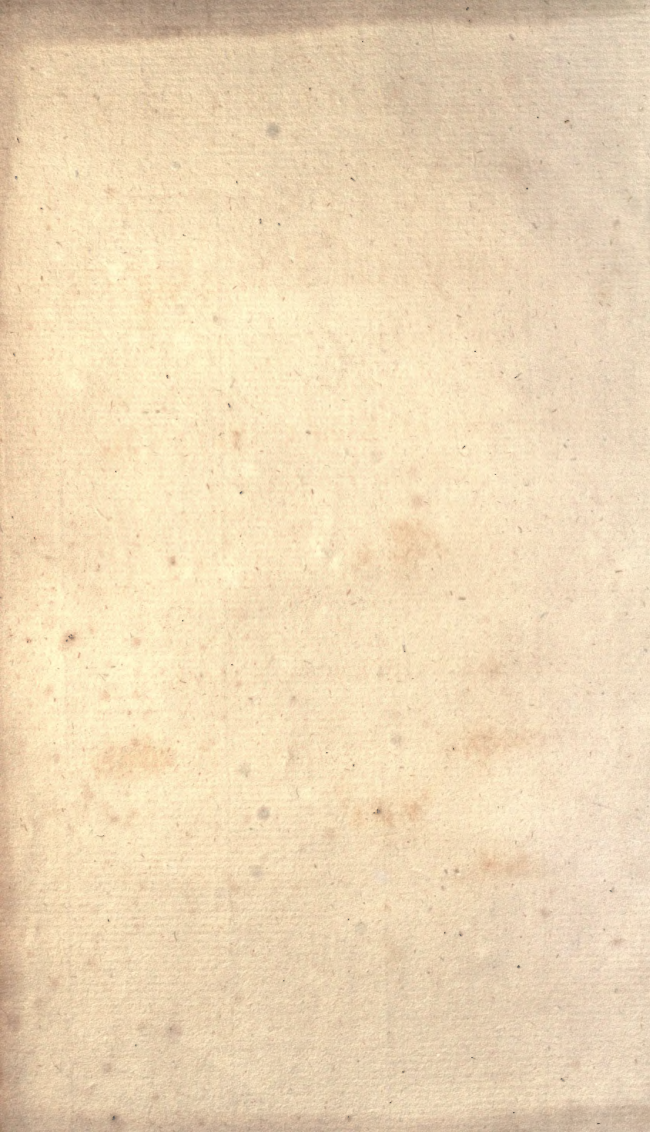


THE LIBRARY  
OF  
THE UNIVERSITY  
OF CALIFORNIA  
LOS ANGELES









T H E  
PARLIAMENTARY  
O R  
CONSTITUTIONAL  
History of England;

From the earliest T I M E S,

T O T H E

Restoration of King CHARLES II.

C O L L E C T E D

From the RECORDS, the ROLLS of PARLIAMENT, the JOURNALS of both HOUSES, the public LIBRARIES, original MANUSCRIPTS, scarce SPEECHES, and TRACTS; all compared with the several Contemporary WRITERS, and connected, throughout, with the History of the Times.

By S E V E R A L H A N D S.

The SECOND EDITION, in Twenty-four Volumes.

V O L. I.

From the Conquest, to the Deposal of King *Richard II.*

L O N D O N,

Printed for J. and R. TONSON, and A. MILLAR, in the *Strand*; and  
W. SANDBY, in *Fleet-Street*. MDCCLXII.

[illegible]

二四〇



To His Grace

301  
H17  
1762  
v.1

T H O M A S,

Lord Archbishop of CANTERBURY;

T O

The Right Honourable

P H I L I P,

Lord HARDWICKE, Lord High Chancellor  
of GREAT-BRITAIN;

A N D T O

The Right Honourable

ARTHUR ONSLOW, *Esq*;

Speaker of the Honourable House of  
COMMONS;

The following Work is, with the utmost Grati-  
tude, inscribed by

*Their most obliged,*

*And obedient humble Servants,*

*April, 1751.*

The COMPILERS.

1272150

To His Grace

THOMAS

Archbishop of Canterbury

TO

The Right Honourable

PHILIP

Lord High Chancellor

of Great-Britain;

AND TO

The Right Honourable

ARTHUR ONSLOW, Esq;

Speaker of the Honourable House of

Commons;

The following Works, with the names of the

Authors, inscribed by

Wm. Woodcock

and printed by

The Company

1272150

---

THE  
P R E F A C E  
TO THE  
FIRST EDITION.

*THE general Neglect of all our Historians, in regard to the Proceedings of Parliament, which may be justly styled the Constitutional History of England, first gave Rise to this Attempt: These Writers are so engaged in displaying the Accounts of Battles, Sieges, and other striking Transactions of War Abroad, that they seem entirely to have forgot the Sinews of it, the raising of Supplies by Parliament, at Home; according as the different Exigencies of the State required.*

*This great Omission induced several Gentlemen, some Years since, to begin to collect proper Materials for an Authentic History of the Proceedings of Parliament, from the earliest Times.*

*The first Step necessary herein, was a diligent Examination of the Records, the Parliament-Rolls, the Journals of both Houses, and Public*

a 3 Libraries.



Libraries.—*The tracing out such Particulars as were to the Purpose in the First, was undertaken by the late Mr. George Holmes, Deputy-Keeper of the Records in the Tower, who generously offered his Service therein. The Lords' Journals, the Parliament-Rolls, and Rymer's Fœdera, have all been carefully examined by some Gentlemen well acquainted with English History, who chuse rather to deserve well of the Public, than to receive their Thanks.—From all these have been extracted so great a Variety of Transactions, hitherto unknown, as is really amazing. Every Writer of English History, except Bishop Burnet, has entirely neglected the Lords' Journals: And even that learned Prelate, who had Liberty given him to search therein for Materials, seems only to have cursorily dipp'd into them.—Whether the huge Number of Volumes deterred his Lordship, or the Difficulty of procuring them prevented other Writers, we know not: But the Publication of this Work will demonstrably prove, that these great Authorities have hitherto been either wholly omitted, or, at most, but slightly passed over.*

*The House of Commons having, a few Years since, ordered their Journals to be printed, a Set of these were supplied by an Honourable Member*

*of the present Parliament: And it would be the highest Injustice not to acknowledge the great Care and Accuracy observed in the noble Edition of that Work.*

*The Public Libraries, and particularly the Cotton, have furnished Abundance of Materials for our Purpose, which are omitted even in the Journals of both Houses. Many original Manuscripts and scarce Pamphlets have also been communicated by private Gentlemen; but the public Sale of the Harleian and other Libraries belonging to antient Families, have supplied a Variety not to be expressed.*

*In a Work of this Nature the greatest Impartiality is justly required; and the Compilers persuade themselves the Event will shew, that it has been as strictly observed. A few Hints of the Method taken herein may not be improper. In the earlier Times the Work is chiefly compiled from the Records, the Parliament-Rolls, and the most reputable antient Writers of English History: In the Reign of Henry VIII. the Lords' Journals begin; and, under Edward VI. those of the Commons. The Reigns of the succeeding Princes, to that of Charles I. have been written by Contemporaries. From the Time, therefore,*  
*of*

*of the Commencement of the Journals of either House, this Work may be said to be, if nothing more, A Faithful Abridgement of those undoubted Authorities.*

*From the latter End of King James, to the Death of his Son Charles I. Whitlocke, Clarendon, and Rushworth (contemporary Historians) have been consulted: The First of these is very exact; the Second, much less so; and, as to the Latter, we are sorry to say, the Public have not so many Obligations to that Gentleman's Collections, as hath been generally imagined.—For Instance, one among many—An Address of Parliament, entered in the Lords' Journals, being collated with the printed Copy of Mr. Rushworth, such Variations and Omissions appeared as were astonishing. That these Discoveries were never made before, must be owing either to the Difficulty of coming at the Journals, or the Trouble of searching them; for Party-Zeal would not otherwise have suffered such Mistakes to have been so long buried in Silence. However, upon this Insight, it was thought necessary to collate all the King's Speeches, Messages, and Declarations; as also the several Addresses, Remonstrances, Speeches, &c. in each House, (as printed in Rushworth) with the Journals, and several original Manuscripts*



*scripts and Pamphlets of the Times: And this has been done accordingly, with the greatest Care and Exactness.—Hereby many Omissions have been supplied, and obscure Passages restored: But, at the same Time, to do Mr. Rushworth Justice, his Text is added by Way of Note.*

*The References made to Acts of Parliament, and the Year-Books, and other Quotations, in the several Speeches and Arguments, have all been carefully examined by an eminent Barrister at Law.—The most remarkable Statutes in every Session of Parliament are taken Notice of; and the State of the Peerage given in every Reign; as also a general List of the Taxes raised, and the Price of Provisions, by which the Reader will be better enabled to form some Kind of Judgment of the Value of Money in each Reign.*

*Upon the Whole, nothing in the Course of this Work is laid down without proper Authority, which is always referred to in the Margin. The modern Spelling is followed throughout, except in some Instances, wherein the original Orthography is preserved, merely to shew the different Changes of our Language in the several successive Ages.*

*After all this, the Compilers thought it their Duty to submit the Copy to the Examination of  
some*

*some Peers of the Realm, several Members of the House of Commons, and other Gentlemen well versed in the Laws and Constitutions of their Country, who were pleased to approve the Design.*

*By these Inquiries the young Nobility and Gentry of this Kingdom will be better instructed in the Constitutional Part of it, and consequently more enabled to serve their Country in Parliament; since they will see, at one View, all the Disputes that have ever happened here about the Prerogative of the Crown and the Liberty of the Subject.—The Gentlemen of the Long Robe will meet with enough for their Speculation, and perhaps Improvement in their Profession; many Parliamentary Cases, Precedents, and Trials falling in the Series of this Work, never before printed.—And even the Clergy will find that a great deal of Church-History is necessarily interwoven in it.*

*The FIRST VOLUME begins with the Conquest; and ends with the Deposal of Richard II.*

*The SECOND extends from the Accession of Henry IV. to the Death of Henry VII.*

*The THIRD begins with the Reign of Henry VIII. and comes down to the breaking out of the French War, 5<sup>th</sup> Elizabeth.*

*The*

*The FOURTH finishes the Reign of Elizabeth.*

*The FIFTH begins with the Accession of James I. and ends with the 20th Year of his Reign.*

*The SIXTH, SEVENTH, and EIGHTH continue the Work to the Meeting of the Parliament, November 3, 1640, the Proceedings whereof do begin our NINTH Volume.—And here we enter upon the History of a Parliament of so long a Duration, and so plentifully stored with Materials on both Sides of the Question, that to publish every Thing would satiate the greediest Appetite for History: Many Things therefore must be omitted on Account of their Prolixity; and yet we will venture to affirm that nothing of Moment, on either Side the Question, will be wanting to set forth these distracted Times in a proper Light. But where we meet with Trials, or other Matters of too great a Length, and such as are printed singly, or in the State-Trials, (which are in every Body's Hands) a succinct Account of them only may be thought sufficient.*

*We shall not trouble the Reader, or ourselves, in giving the Sentiments of any Writer since the Restoration, on Matters happening in those Times, though the Contemporary Historians cannot*



*not be omitted, especially on Affairs purely Parliamentary: But of the Civil Wars itself, the Battles, Sieges, and other bloody Transactions of it, we shall take no further Notice than just to mention the most remarkable of them, in order to keep up a proper Connection.*

**T**HUS stood the Preface to the first Eight Volumes of this History, which were published in the Year 1751. A bold Undertaking, to start into the World, at once, with so many Volumes; which were not wrote in a Garret, at so much a Sheet Letter-Press, but by Persons animated with a Zeal more to serve their Country than themselves; and who were not much concerned what Success their Labours would have in the World. However, it must be owned that, when they found the Public relished their Undertaking, by the quick Sale of the first Eight Volumes, they were more encouraged to proceed in the Work; which must necessarily occasion more Expence in collecting Materials for their Purpose.

*In the Year 1753 were published five more Volumes of this Work; the Preface, or Introduction, to which is left standing, as it was in the first Edition, because the Observations there made*

*on some of the principal Collectors and Contemporary Historians of the Times, there treated of, are necessary to be read and understood by those who would make themselves Masters of the Subject. For the very same Reason the Preface to the Fourteenth Volume, which came out in 1755, is in the same Situation it stood in at that Time. And the short Introduction to the Nineteenth Volume, which appeared, with its Partner, in the Year 1757, is also left, because it goes on with a Recapitulation of the chief Materials this mighty Work was built with, and the friendly Aid which assisted the Compilers of it. Lastly, in 1760 came out two more Volumes, which bring the History down to near its designed Period, 1660; and the next Year the Conclusive Part, with an Appendix and a very copious Index, were published, which ends this whole Work. The Preface to which last Publication is reprinted in this Edition, by reason of the Matter it contains; which, to recapitulate here, would swell this to too great a Bulk.*

*But, notwithstanding what has been said, by Way of Preface, in the first Edition of this Work, there is an absolute Necessity to say somewhat more on the Publication of this second, to shew the Reader the Reasons why the first Two Volumes*

*lumes*

*lumes of them are so greatly altered from the former. Very soon after their Appearance in the World the late Duke of Argyle, [Archibald] who highly approv'd of the Work, suggested one great Omission, in quoting from the printed Abridgement of the Parliamentary Records in the Tower, when we should have quoted the Originals; as the former, besides many Mistakes, are of no Authority in the House of Lords; but the latter surely are.*

*The Duke offered us the Use of a Copy from the Originals, in his noble Library, to consult before we reprinted a new Edition, which he said a Work of this Kind would certainly come to.*

*His Grace's Prophecy of a second Edition of this Work was scarce believed at that Time by the Compilers; yet his Advice was taken, though not in his own Way; the Attendance on the Duke's Library in Town being found incompatible with the Residence of the Compilers, who lived in the Country. By the Favour of another Nobleman, now in high Station, and of great Distinction, another Copy was borrowed, which proved to be the first that ever was taken from the original Records in the Tower: Of which the following Testimony, wrote in a blank Page of the preceding Volume, in Lord Weymouth's own Hand, is a sufficient Evidence:*

*These*

These three-and-twenty Volumes (including the *Index*) of the *Parliament-Rolls* were transcribed from the *Originals*, by the Order and Direction of Mr. *Halstead*, whilst he was Keeper of them, and were by him carefully collated; from whose Widow the Lord *Thomas Viscount Weymouth* purchased them for the Sum of One Hundred Pounds.

*Note*, These were the first *original* Copies from which all others now extant, in several Hands, were transcribed.

*The great Number of these Volumes, the different Hands they were wrote in, and the different Languages they were composed of, did not deter the Authors from entering upon, and, with much Pains and Labour, going through them. Thus are the Volumes of this History, as far as these Records go, authenticated; which is to the End of the short Reign of Richard III. And herein we soon found that the Duke's Suspicions of the Faithfulness of the Abridgement were not without just Reason; for such a Number of Mistakes, in Misnomers, Misconstructions, Omissions, &c. were seen, as is scarce credible should be in a Book which bears this Title,*

An



An exact *Abridgement* of the *Records* in the *Tower* of *London*, from the Reign of *Edward II.* unto King *Richard III.* of all the *Parliaments* holden in each King's Reign, &c.—Collected by Sir *Robert Cotton*, Knt. and Bart. Revised, rectified in sundry Mistakes, and supplied with a Preface, marginal Notes, several Omissions, and exact Tables, both of the great Matters, great Officers, Speakers, Nobles, and other Persons therein contained.—By *William Prynne*, Esq; a Bencher in *Lincoln's-Inn.*—*London* printed, 1657. Folio.

*William Prynne, Esq; according to his usual Custom, hath bestowed a very long-winded Preface to this Abridgement of Records, tending chiefly to put a proper Value on those Abstracts; which indeed, had they been carefully and correctly done, must have had their due Esteem: But we say again that there are such an infinite Number of Erratas, of all Sorts, in this Book, that when we began to correct our Copy of it, and had proceeded with that Intention some Way, they increased so abundantly upon us that we gave it up, lest it should frustrate our main Design. From whence we may very well judge that the voluminous Mr. Prynne was more desirous of being*

*being stiled the Author of so many Books and Pamphlets as he printed and published with his Name to them<sup>a</sup>, than to be correct in what he put out into the World: And from this Instance we may well suspect that his other, and much greater Works, are done with the same Care and Exactness.*

*But to conclude, for Fear of being thought as tedious in prefacing as Mr. Prynne himself; the two first Volumes of this second Edition have also received some considerable Additions and Alterations from the Care and Accuracy of a late worthy and learned Gentleman<sup>b</sup>, who was at the Pains to collate and compare the former Reigns of our Kings, particularly that of Edward I. with all the old Monkish Historians nearest that King's Reign; by which several Additions were made, and some Errors corrected. Yet all this was not done to enhance the Price of the new, or damn the old Edition, as has been but too frequently*

*b* *practised*

<sup>a</sup> We have seen a List of more than fifty printed Books and Pamphlets with his Name to them, or known to be his.

<sup>b</sup> The late Robert Hobblyn, Esq; of Nanswiddyng, in Cornwall, and Member in a former Parliament for the City of Bristol. A Gentleman to whose Candour and Knowledge, especially in *English History*, the Compilers of this Work owed great Obligations.

*practised by some great Authors our Predecessors. To obviate this Imputation, Care has been taken to print as many supernumerary Volumes as will serve to exchange with those who have bought the first; and public Advertisment will be made of it, that Gentlemen may send their first two Volumes, of the former Edition, and have the new delivered to them.*

☞ The Folios of the old Edition are printed within Crotchets in the Margin of the new, which serves the *Index*.—In two or three Sheets at the End of the Second Volume some of the Pages of the *old Edition* are transposed in the *new*.





T H E

# Parliamentary History

O F

# E N G L A N D.



PARLIAMENTS are, without all Doubt, Of the Origin  
of very antient Extraction; but to fix the and Name of  
Time of their Beginning, in this King- PARLIAMENTS  
dom, is a Matter attended with so many  
Difficulties, that it may be called Folly  
or Madness in any Writer to attempt it.

Nevertheless, we take it to be necessary to say somewhat relating to this intricate Subject; though what we shall write, as it will not be very pleasing to ourselves, so we cannot apprehend that it will give much Satisfaction to our Readers.

The very Word PARLIAMENT, or rather *Parlement*, is, in its Derivation, as perplexing as the former; and the very best Etymologists differ strangely in their Opinions about it. We shall not endeavour to amuse our Readers with their various Conjectures; who will, may consult *Franciscus Junius*, *Skinner*, *Gouldman*, and others, who have published large Dictionaries in that Science;



to us it seems that the Word is certainly of *French* or *Norman* Extraction <sup>a</sup>; and by this we may be led to suppose that the Origin of these Assemblies, in this Island, is owing to the antient Customs in *France*, some Centuries before our Conquest <sup>b</sup>. And we are not to imagine, because the Monkish Writers, soon after that Period, always called these Meetings *Parliamenta*, which happened in the Times of the *Saxons* before them, that they were so denominated by those People, but had this Name from the *Normans* their Successors.

In all Nations of the World hitherto known, and in all Ages, the Laws they were governed by were first made by the Advice and Consent of these general Assemblies, and then promulgated to the whole Community. And if the *Jewish* Sanhedrim, the *Grecian* and *Roman* Senates, the *Druid* and *Gaulish* Assemblies, and particularly our own *Saxon Gemots*, *Witten Gemots*, or *Folknotes*, bore any Allusion to our present Parliaments, the Source of them runs very high indeed. Mr. *Prynne*, in his *Sovereign Power of Parliaments*, tells us, ‘ That it is apparent from all Precedents before the Conquest, that our pristine Synods and Councils were nothing else but Parliaments; that our Kings, Nobles, Senators, Wisemen, Knights, and Commons (we cannot help observing that he omits Bishops, though they were most certainly a Part of the Constitution as antient as any) were usually present, and voted in them as Members and Judges. Mr. *Camden*, Sir *Henry Spelman*, with other Writers, also go a great Way to prove the Commons to have borne a Part in Parliament in the Times of the *Saxons*; but they do not say that they were called by that Name, or elected as Knights, Citizens, and Burgeesses were in After-Times.

The Laws of *Ina*, our *West-Saxon* King, which were made and published about the Year 720, are there said to

<sup>a</sup> It seems to be derived from the *Franco-Gaulic* Verb *parler*, to speak or debate; so *Parlement*, a Speaking or Debating. This antient Name sufficiently denotes the Freedom of Speech so absolutely necessary in these Grand Councils or Assemblies. My Lord *Coke* tells us, That *Parliament* is derived from *Parler le Ment*, i. e. from speaking the Mind. He might as well tell us, says *Rymer*, that *Firmament* is *Firma Mentis*, that is, a Firm for the Mind; or *Fundament*, the Bottom of the Mind. *Rymer’s Antiquity, &c. of Parliaments*. London, 12mo, 1714.

<sup>b</sup> Supposed to have been used in *France* before the Time of *Charlemagne*, in the seventh Century. See a late Account of the antient Parliaments of *France*, by *Charles Forman*, Esq; London, 2 Vols. 8vo, 1739.

to be done by the Advice and Consent of all his Aldermen and Senior Wisemen of his Kingdom; besides a great Number of the Clergy met together on that Occasion. The same is mentioned at the End of the Laws of King *Athelstan*, as well as those of King *Ethelred*, his Successor<sup>c</sup>. But who these Wisemen were, whether Lords or Commons, or both together, we are not able to determine. The Chronicle of *John Brompton* mentions a great Council, or Assembly, to be held at *Salisbury* in the Days of King *Edgar*, about the Year 970, of all the Nobles in the Kingdom<sup>d</sup>; and another at *Oxford*, by King *Canute* the Dane, in the Year 1030. These are all, or the greatest, Testimonies that can be produced of Councils, or Parliaments, being called, by our *Saxon* or *Danish* Kings, to make Laws before the Conquest<sup>e</sup>.

[ 3 ]

The Writers in Favour of Monarchy, such as Sir *R. Filmer*, Dr. *Brady*, Dr. *Johnston*, and others, deny that the Commons had any Place or Power in these Assemblies untill long after that Period. They say, indeed, that the *Saxon* Kings used to convene the Nobles and

A 2 Bishops

<sup>c</sup> Leges INÆ Regis West-Saxonum. Circa An. 720.

Ego Ina, Dei Gratia, West-Saxonum Rex, Exhortatione et Doctrina Con-  
redis Patris mei, et Heddeæ Episcopi mei, et Herchonwaldi Episcopi mei, et  
omnium Aldermannorum meorum, et Seniorum Sapientium Regni mei, multa-  
que Congregatione Servorum Dei, &c. Chron. Johan. Brompton inter  
Decem Script. Col. 761.

Ad Finem Legum ÆTHELSTANI Regis. Circa An. 930.

XXXIV. Sax. 25. Totum hoc institutum est et confirmatum in Magno  
Synodo apud Greateleyam, cui Archiepiscopus Wulfius interfuit, et omnes  
Optimates et Sapientes quos Adelstanus Rex potuit congregare. Ex eodem,  
Col. 845.

Leges ÆTHELREDI Regis. Circa An. 1000.

Hoc est Consilium quod Æthelredus Rex et Sapientes sui condixerunt, &c.  
Col. 893.

Hæc sunt Leges quas Æthelredus Rex et Sapientes sui constituerunt. Col. 895.

Hæc sunt Verba Pacis et Prolocutiones, quas Æthelredus Rex, et omnes  
Sapientes ejus, cum Exercitu firmaverunt, &c. Col. 899.

Vide Lambard de Præcis Anglorum Legibus. Cantabrigiæ A. 1644.

<sup>d</sup> The Words are, Cunctis Regni Proceribus congregatis. And, Post hæc  
apud Oxoniam Parliamentum tenuit, (scil. Canutus) ubi Angli simul et  
Dani de Legibus Edgaris Regis observandis Concordes facti sunt. Chron.  
Johan. Brompton inter Decem Script. Col. 866, 908.

<sup>e</sup> Polydore Vergil says, That Parliaments are of French or Norman Ex-  
traction; his Words are, More Gallico, vulgo Parliamentum appellant. quod  
unusquisque Rex, Initio sui Regni, Labere solet, ut ibi si quid ex antiquis  
Constitutis, Legibusve, tollendum, ac rursus condendum sit, id de Consilii Sen-  
tentia fiat; qui, et deinde quoties Res postulat, suo Arbitratu illud ipsum  
convocat. Lib. xi. p. 188.

[ 4 ]

Bishops of the Realm, to consult with them how to defend themselves in Case of an Invasion, to levy Taxes, or to promulgate some new Laws amongst the People, or to be Witnesses to public Charters. This last is evident from several *Saxon* Charters, copied and preserved by Historians, as well as some Originals still extant amongst us; wherein, besides the King, the Nobility and Bishops, to a considerable Number, sign'd with him. But then these Authors assert, that the whole Body of the Commons were in an entire Vassalage to the Nobility and Clergy at that Time, and long after, and had nothing they could call their own, no, not so much as their Lives.

That this was the Case of the Commons 'till some Time after the Conquest, appears pretty plain; but with the Lords it was otherwise, for Sir *Henry Spelman* tells us in his *Glossary*, that, besides what has been said of their Conventions, in the Times of the *Saxon* Kings, *William I.* composed his Great Assembly, or *Magnum Consilium* of the Nation, from those Tenants that held of him *in Capite*; and that Parliamentary Barons were created by the King's Writ, out of those of good Possessions; whereby *William* reserved to himself a Tenure in Chief by Knight's Service. These Judges were at that Time the supreme Judicature; but the Original of the House of Peers, as to its transcendent Power, does not seem plainly to appear till the Reign of *Henry III.* when special Writs of Summons were sent out to the Nobility distinctly by themselves.

But at what Time the Commons became a Branch of the Legislature is much more uncertain. Many will have it that they were not admitted as a Part of Parliament untill the 49th of *Henry III.* for which this Reason is assigned, That the first Writ of Summons of any Knights, Citizens, and Burgeses, now extant, is of no antienter Date than that Time.

This is again seemingly contradicted by *Magna Charta*, or the Great Charter granted in the 17th Year of King *John*: For by this it appears that it was made *per Regem, Barones, et LIBEROS HOMINES totius Regni*; by which it seems plain, that it was not made by the King and Barons only. And Mr. *Selden*<sup>f</sup> says, That the Borough of *St. Alban's* claimed by Prescription, in the Par-

<sup>f</sup> *Selden's Titles of Honour*, p. 709.

Parliament of the 8th of *Edward II.* to send two Burgesſes to all Parliaments, as they did in the Time of *Edward I.* and his Progenitors; which muſt be in the Time of King *John*, his Grandfather, and conſequently before the Reign of *Henry III.*

*Polydore Vergil*, *Hollingshead*, *Speed*, &c. ſay, That the Commons were firſt ſummoned to a Parliament at *Salisbury*, in the 16th of *Henry I.* Sir *Walter Raleigh*, in his Treatiſe of the Prerogatives of Parliaments, thinks it was in the 18th of *Henry I.* Lord *Bacon*, in a Letter to the Duke of *Buckingham*, aſks, Where were the Commons before *Henry I.*? which plainly implies his Opinion that there was a Houſe of Commons at that Time at leaſt. And Dr. *Heylin* finds yet another Beginning for them, which was in the Reign of *Henry II.*

Such and ſo various are the Opinions of learned Men on this Subject: It is not to the Purpoſe to purſue them any further, and we ſhall content ourſelves in ſaying, That whenever the Commons were taken in as one Branch of the Legiſlature, it was a Glorious Addition to the others; was a great Bulwark to the Liberties of the Subject, and, altogether, as the general Aſſent of the the King and Realm to make Laws and Ordinances; was juſtly called, by antient Writers,

*Commune Conſilium*, *Magnum Conſilium*, *Placitum generale*, *Curia altiffima*, et *Parliamentum generale ſeu altiffimum*.

The Power and Authority of Parliaments in making of Laws, in proceeding by Bill, or otherways, is ſo well known, ſo often treated on by others, and will ſo evidently appear in the Courſe of this Hiſtory, that it is needleſs to ſay more of it in this Place.

But it will not be amiſs, before we enter upon our Hiſtorical Facts, under the ſeveral Reigns, to premiſe ſome-what relating to the original Creation of the Peers that compoſe the Upper Houſe of Parliament, under their ſeveral Titles; eſpecially as that Houſe muſt be allowed to be ſuperior to the other, both in Antiquity and Honour.

All the Degrees of Nobility and Honour are derived from the King as the Fountain of Honour. The King's eldeſt Son is born Duke of *Cornwall*, afterwards he is created Prince of *Wales*; and, to diſtinguiſh him, in the Middle of the Arch of his Coronet a Ball and Croſs are



placed, as in the Royal Diadem. The Title of Prince of *Wales* was originally granted by *Edward I.* after his Conquest of that Principality, and all his Titles are, Prince of *Wales*, Duke of *Cornwall*, and Earl of *Chester*.

The first Duke we had in *England* was *Edward* the Black Prince, so famous in our Histories for his heroic Actions, who was created a Duke in the 11th Year of King *Edward III.*

*Robert de Vere*, Earl of *Oxford*, was created Marquis of *Dublin* in *Ireland*, in the 8th Year of King *Richard II.* and was the first Marquis.

*Hugh Lupus* was made hereditary Earl of *Chester* by *William* the Conqueror.

*John Beaumont* was created Lord Viscount *Beaumont* by King *Henry VI.* in the 18th Year of his Reign, and was the first Viscount. And

*John Beauchamp*, of *Holt*, was the first Baron created by Patent in *England*, made the 11th of *Richard II.*

But, in the antient Records, the Word *Baron* included all the Nobility of *England*; because, regularly, all Noblemen were Barons, though they had higher Titles besides. The Charter of King *Edward I.* which is an Exposition of what relates to Barons in *Magna Charta*, concludes, *Testibus Archiepiscopis, Episcopis, Baronibus, &c.* So that the great Council of the Nobility, when they consisted, altogether, of Dukes, Marquesses, &c. besides Earls and Barons, were all comprehended under the Name *De la Councell de Baronage*.

But, after all, a Baron holding Land of the King, to him and his Heirs, *per Servitium Baronie*, is no Lord of Parliament, untill he be called by the King's Writ to Parliament. In the Reign of *Edward I.* the Title of Baron, which was before common to all those that held Lands of the Crown, was confined to all those whom the King summoned to Parliament. These Barons had then given them two Ensigns to remind them of their Duties; first a long Robe of Scarlet, in respect whereof they are accounted in Law *De magno Consilio Regis*; and, secondly, are girt with a Sword, that they should ever be ready to defend their King and Country. This also appears by *Dugdale's Baronage*, in which there are several Instances of Lords being called to Parliament,

liament, where they and their Ancestors never sat before, nor any of their Posterity after them <sup>h</sup>.

Proxies for the Bishops and Barons in the House of Peers are also very antient. The first Mention of them, that occurs in our Parliamentary Memoirs, was at *Carlisle*, under *Edward I.* <sup>i</sup> Also, in a Parliament held at *Westminster* under *Edward II.* the Bishops of *Durham* and *Carlisle*, remaining upon the Defence of the Marches of *Scotland*, were severally commanded to stay there; and in the Writ a Clause was inserted for that Purpose <sup>k</sup>. The like Testimonies occur pretty often in this King's Reign, of making Proxies by the Name of *Procuratores Sufficientes*; and in succeeding Times the Testimonies of them down to this Day are very frequent.

In relation to the more antient Acts, Ordinances, Journals, &c. of the two Houses of Parliament, much more might be said than is consistent with the Substance of this Preamble to our History. Who will may read them admirably and concisely discoursed on in Archbishop *Nicholson's English Historical Library*; which Book, as it is almost in every Collection, it is needless to transcribe any Thing from it here. That Author has given us a general Detail of all our Parliamentary Proceedings from *Magna Charta*, through the printed Statutes, the  
Rolls

[ 8 ]

<sup>h</sup> The Form of the King's Writ for summoning a Peer to attend his Service in Parliament, is as follows :

*Edwardus, &c. Charissimo Consanguineo suo C. Comit. A. Salutem. Quia de adiuvamento & assensu Consilii nostri pro quibusdam arduis urgentibus negotiis, Nos, Statum & Defensionem Regni nostri Angliæ & Ecclesiæ Anglicanæ concernent' quoddam Parlamentum nostrum apud Civitatem nostram Westmonasterii, die, &c. prox. futur' teneri ordinavimus, & ibid. vobiscum ac cum Prælatiis. Magnatibus & Proceribus dict' Regni nostri colloquium habere, tractare, Vobis sub fide & ligeanciis quibus nobis tenemini firmiter injungend' Mandamus, quod, considerat' dictorum negotiorum arduitate & periculis imminuentibus, cessante excusatione quacunque, dict' die & loco personaliter interfitis Nobiscum, ac cum Prælatiis Magnatibus & Proceribus prædictis super dictis negotiis tractatur' vestrumque consilium impensur' Et hoc sicut Nos & honorem nostrum ac Salvationem & Defensionem Regni & Ecclesiæ prædictorum expeditionemque dictorum negotiorum diligitis, nullatenus omitatis. Teste meipso apud Westmonasterium die, &c.*

<sup>i</sup> Quia omnes Prælati, Milites, et alii de Communitate Regni tunc plenarie non venerunt, receptis quibusdam Procuracionibus Prælatorum qui venire non poterant, adjournantur omnes qui summoniti sunt ad Parlamentum, usque ad Diem Mercurii proximum sequentem, ad Horam primam.

<sup>k</sup> Sed Procuratorem vestrum sufficienter instructum ad dictos Diem et Locum mittatis, ad consentiendum ei quod tunc ibidem per dictos Prælatos et Proceres contigerit ordinari. *Selden's Baronage of England, &c. 8vo.—Lond. 1642.*

Rolls of Parliament, Ordinances, Journals, with the *Modus tenendi Parliamentia*; the Antiquity and Rights of both the House of Lords and Commons, the dispensing Power of the King, and Writs of Summons; wherein he specifies where all the Records relating to these Matters lie, as well as gives an Account of what the best Authors have wrote on these often-disputed Subjects, betwixt the Prerogative of the Crown and the Power of Parliaments.

Let this *Exordium*, therefore, suffice for the Origin, the Power, and Name of PARLIAMENT; we shall proceed now to our HISTORY of them; in which we hope to be so exact, that no material Circumstance, mentioned either by antient or modern Historians, shall escape our Notice. And tho' these general Meetings of the King with his Bishops and Barons, both before and soon after the Conquest, were by no Means like our present Parliaments; yet we judge it very consistent with the Tenor of our Subject, to pursue our Account of them whenever such Evidences can be found that may be depended upon, but in as concise a Manner as possible.

King William I.

Anno Regni 6.

1702.

At Windsor.

**I**N the Reign of the three first *Norman* Kings we meet with little to our Purpose. *William I.* indeed, at the Instigation of the Pope, summoned a National Synod to determine the Dispute betwixt the Sees of *Canterbury* and *York*, about Supremacy. As this was intirely an Ecclesiastical Controversy, it does not appear that this Meeting, which was before the King and *Hubert*, the Pope's Legate, at *Windsor*, consisted of more than the Prelates, Abbots, and other Ecclesiastics of the Realm <sup>1</sup>.

In

<sup>1</sup> Sir Henry Spelman has made a Collection of the Laws before *Magna Charta*; the MS. now in the Bodleian Library, bears this Title, *Codex Legum veterum et Statutorum Regni Angliæ, quæ ab Ingressu Willielmi usq; ad annum nonum Henrici tertii edita sunt; hoc est ante primum Statutum omnium impressorum in Libris Juridicis*. Mr. Selden and Sir Roger Twissden have also treated on this Subject. And, indeed, if the old Chronicle of *Litchfield*, quoted by Mr. Selden, was confirmed by any Contemporary Historians, there is Reason enough to believe these Laws to be genuine.— But, as it is not, we shall only give Bishop *Nicholson's* Quotation from that Chronicle, and leave it to the Reader's Judgment. *Anno Gulielmus Regni sui quarto apud Londonias, Consilio Baronum suorum, fecit summoniri per universos Angliæ Comitatus omnes Nobiles, Sapientes, et sua Lege eruditos, ut eorum Leges et Consuetudines audiret. Et licet idem Rex Gulielmus*  
Leges

In the Reign of *Henry I.* the Conqueror's youngest Son, Taxes were levied arbitrarily on the Subject, as in the two preceding Reigns of his Brother *Rufus* and his Father. In his sixth Year he set a Sum upon every Parish Church, and forced the Incumbent to pay the Money to redeem his Church. In the eighth Year of his Reign he had, for the Marriage of his Daughter *Maud*, 3*s.* for every Hide of Land: And, say Historians, during his whole Reign he levied a constant annual Tax of 12*d.* on every Hide of Land. It does not appear, by any Account we can meet with, that the King asked the Consent of his Barons, or People, for raising these Subsidies, tho' there were some Conventions of the Estates of the Realm called in his Time: For in the Year 1106, says *Matthew Paris*, Henry convened his Nobles, by a special Edict, on a very extraordinary Occasion. His elder Brother *Robert*, whom he had dispossessed of his Right of Succession to the *English* Crown, came over from *Normandy* to make him a friendly Visit. *Henry*, being jealous that this Visit might turn to his Disadvantage, and being more afraid, says our Author, of Man than God, cajoled his Nobles, by crafty Promises, to be true to him; and next thought that he could make up the Matter with God by the building of an Abbey, which he was then about to execute. For this Reason he called together the Great Men of the Realm by his Royal Mandate, says *Paris* <sup>m</sup>, to meet at *London*; where he first softened and sweetened them, separately, by smooth Words and Expressions, and then, being met together, he made a Speech to them as follows: Which Speech, as it is the first that came from the Throne, only preserved by *Matthew Paris*, and taken Notice of by very few Historians, either antient or modern, that we have met with, justly claims a Place in our History.

Anno Regni 6,  
1106.

At London.

[ 10 ]

My

*Leges* Norfolkiae et Suffoloniae, Grantbrigiae et Deirae (ubi quondam maxima Pars Danorum et Norwegienfium inhabitabant) prius magis approbaverat, et eas per totum Regnum obferuari praecerat, pro eo quod omnes Antecessores eius, et fere omnes Barones Normanniae, Norwegienfes extitiffent, et quod de Norwegia olim veniffent; postea ad Preces COMMUNITATIS Anglorum, Rex adquevit; qui deprecati funt quatenus permetteret fibi Leges proprias et Confuetudines antiquas habere, in quibus vixerant Patres eorum, et ipsi in eis nati et nutriti funt, scilicet Leges Sancti Regis Edwardi Confessoris, &c.

See also Sir Roger Twissden's Preface to the Laws of *William I.* and *Henry I.* published at the End of *Lambard de praeiis Anglorum Legibus*. — Cantab. 1644.

<sup>m</sup> Regis Edicto convocatis. M. Paris, sub hoc Anno:



King Henry I.

My Friends and faithful Subjects, both Foreigners and Natives,

His Speech.

**Y**OU all know very well that my Brother Robert was both called by God and elected King of Jerusalem, which he might have happily governed; and how shamefully he refused that Rule, for which he justly deserves God's Anger and Reproof. You know also, in many other Instances, his Pride and Brutality. Because he is a Man that delights in War and Bloodshed, he is impatient of Peace; I know that he thinks you a Parcel of contemptible Fellows; he calls you a Set of Drunkards and Gluttons, whom he hopes to tread under his Feet. I, truly a King, meek, humble, and peaceable, will preserve and cherish you in your antient Liberties, which I have formerly sworn to perform; will hearken to your wise Counsels with Patience; and will govern you, justly, after the Example of the best of Princes. If you desire it, I will strengthen this Promise with a written Charter; and all those Laws which the Holy King Edward, by the Inspiration of God, so wisely enacted, I will again swear to keep inviolably. If you, my Brethren, will stand by me faithfully, we shall easily repulse the strongest Efforts the cruellest Enemy can make against me and these Kingdoms. If I am only supported by the Valour and Power of the English Nation, all the weak Threats of the Normans will no longer seem formidable unto me.

[ 11 ]

We have given, from the old Monk of *St. Alban's* Latin, the Version of this Speech as near as we could, though the obsolete Words he often makes use of are difficult enough to render. *Matthew* adds, That this Harangue of *Henry* to his Nobles had the desired Effect, though he afterwards broke all his fair Promises to them; Duke *Robert* went back much disgusted, whom his Brother soon after followed, gained a Victory over him, took the Duke Prisoner, put out his Eyes, and condemned him to perpetual Imprisonment.

Anno Regni 7.

1107.

At London.

The Year after this, viz. 1107, the same King *Henry* call'd another Convention of all the Estates of the Realm to sit in his Royal Palace at *London*. This Convention some modern Historians have honoured with the Name of *Parliament*, and would prove that the Commons were

a Part of it. We know not where they find Authority <sup>King Henry I.</sup> for such an Assertion; the old Monkish Writers <sup>n</sup>, who lived near this Time, call it no more than a Meeting of all the Bishops, Abbots, and Nobles of the Kingdom, to whom *Anselm*, Archbishop of *Canterbury*, was Prolocutor.

Indeed this Meeting might much rather be called a Convocation than a Parliament, since nothing, that we can find, but Church-Matters, were transacted in it. In this Assembly the prohibiting the Priests the Use of their Wives and Concubines was considered; and the Bishops and Clergy granted to the King the Correction of them for that Offence; by which Means he raised vast Sums of Money, compounding with the Priests, for certain annual Payments, to allow them the Enjoyment of their Wives and Concubines <sup>o</sup>.

In the Year 1116 there was another Convention of <sup>Anno Regni 16,</sup> the Nobles and Barons summoned by the King to meet <sup>1116.</sup> at *Salisbury* <sup>p</sup>. At this Meeting the whole Nobility <sup>At Salisbury.</sup> did Homage to him and to Prince *William*, King *Henry's* eldest Son, in the Presence of the Father <sup>q</sup>. The Dispute betwixt the Archbishops of *Canterbury* and *York*, about Primacy, was also debated at this Convention, which was all the Business that we can find was done at it.

[ 12 ]

This Meeting also some of our more modern Historians <sup>r</sup> have called the Foundation of our High Court of Parliament. The *English* Kings, say they, before this Time, ordered the Affairs of the Commonwealth by their Edicts, Officers, and Governors of every Country, and seldom had the Advice of the People, but only at the Beginning of their Government, or in the Time of War.

<sup>n</sup> Eodem Anno factus est Conventus Episcoporum et Abbatum pariter et Magnatum Londoniis in Palatio Regis. M. Paris, sub hoc Anno.

Conventus omnium Episcoporum, Abbatum, et Procerum. Simeon Dunelm. inter Decem Script. Hist. Angl.

<sup>o</sup> Accepit enim Rex Pecuniam infinitam de Presbyteris pro suis Focariis redimendis. M. Paris.

Focaria is rendered either a House Concubine, or a Female Drudge, a Dishwasher, &c.

<sup>p</sup> Conventio Optimatum et Baronum totius Angliæ. Simeon Dunelm. inter Decem Script.

<sup>q</sup> Ubi, Jussu Regis, Comites et Barones, cum Clero totius Regni, sibi et Willielmo Filio suo Homagium fecerunt. Chron. Johan. Brompton inter Decem Script.

<sup>r</sup> Hollingshead, Speed, Stow, &c.

**King Henry I.** War. We believe it will be hard to prove that this Meeting was any Model of our present Parliaments, there being no Similitude of them in any Shape whatever.

Under this King the People of *England* began to recover again and grow wealthy, as the King did likewise: For it was in his Time that the Revenue, arising from Crown Lands, was adjusted and fixed to a certain Rate, so that it might be either paid in Money or Provisions. And this shews that as the People in general began to grow rich; so the King, by attending his Affairs at home, as well as those abroad, grew rich too; insomuch that, at the Time of his Demise, he actually left in his Coffers the Sum of 100,000*l.* besides Plate and Jewels. A Sum that would amount to near ten Times the Value in our Times \*.

**King Stephen.** In the turbulent Years of King *Stephen's* Reign, and during the bloody Contests betwixt him and *Maud* the Empress, for the Crown of *England*, very little can be expected to our Purpose. There were no regular Taxations at this Time; but the contending Parties maintained themselves chiefly by the Plunder of each other's Tenants. Nevertheless we meet with one Convention of the Estates in this Reign, and that was in the very first Year of it; for *Stephen*, anxious to have his Title confirm'd by their Authorities, summon'd all the Bishops and Nobles of the Realm, by his Royal Edict, to meet at *Oxford* for that Purpose †. At this Meeting *Stephen* signed and gave a most extensive Charter, wherein the Rights and Immunities of Holy Church were largely and principally secured to the Clergy of all Degrees and Denominations. At the Tail of this Charter *Stephen* also promises to punish or remove the High Sheriffs, or any other of his Officers, that shall use any unjust or illegal Exactions on the People; and that he will well and truly keep all the good old Laws and Customs in all Cases whatsoever. The Barons and other Great Men, besides the Bishops, who were Witnesses to this Charter, and consequently present at this Convention, were *Roger* the Chancellor, *Henry* the King's Nephew, *Robert* Earl of *Gloucester*, *William* Earl *Warren*, *Ralph* Earl

Anno Regni I.  
1136.

At Oxford.

[ 13 ]

\* Campbell's *Lives of Admirals*, &c. 2d Edit. Vol. I. p. 127.

† *Episcopos et Proceres sui Regni. Regali Edicto, in unum convenire præcepit.* Ric. Prior Hagulst. inter Decem Script.

Earl of Chester, Roger Earl of Warwick, Robert de Vere, King Stephen. Miles de Gloucester, Robert D'Oily, Brian Son to the Earl Constable, William Martel, Hugh Bygot, Humphrey de Bohun, Simon de Bellocampo, Sewer, William de Albany, Martel de Albany, Butlers, Robert de Ferrers, William Peverel, Simon de Silvanesti, William de Albania, Hugh de S. Clare, Ilbert de Lacy; dated at Oxford in the Year of Christ M.C.XXXVI. but the first of his Reign. Richard, the Prior of Hexham, from whom we now quote, and who has best preserved the Annals and Acts of this King, has given us this Charter; the Preamble to which, as it evidently shews the Title by which Stephen claimed the Crown, may be acceptable to the Reader. It is as follows:

**I** Stephen, by the Grace of God, the Consent of the Clergy and People, being elected King over England, and consecrated by William Archbishop of Canterbury, Legate of the Holy Roman Church, confirmed by Innocent, Pontiff of the same See, for the Respect and Love I bear to God, do declare Holy Church to be free, and do confirm all due Reverence unto it, &c.

In the Year 1152, when Stephen had been abroad and settled his foreign Affairs, he thought proper, at his Return, to endeavour to secure and establish the Crown of England upon himself and Family; and to that Purpose called a general Council to London; that is to say, Theobald, the Archbishop of Canterbury, the Bishops, and Great Men of England<sup>u</sup>. He proposed to them the Coronation of his Son Eustace, that, says our Author, he might deprive Duke Henry, Son to the Empress Maud, of his Right of Succession; and particularly required the Archbishop, to whose antient Right it belonged to consecrate Kings, to perform that Office upon his Son. The Prelate boldly answer'd, That the Pope, by his Letters, had forbidden him to crown or anoint his Son, because he himself, contrary to his Oath, had usurp'd the Kingdom. The King, his Son, and all that favoured them, were terribly angry at this Repulse, and shut up all the Bishops with their Primate in one House, that, by Threats and Terrors, they might extort that which,

adds

<sup>u</sup> Archiepiscopo, Episcopis quoque, et Proceribus Angliæ. Chron. Gervasi. Cant. inter Decem Script.

Anno Regni 17.  
1152.

At London.

[ 14 ]



**King Stephen.** adds our Authority, neither by Price nor Prayer, they could prevail in. Some of the Bishops were intimidated and began to stagger, which the Primate perceiving, found Means to make his Escape out of the House, and, getting over the *Thames* in a Boat, fled to *Dover*, and so beyond Sea. For his Resolution in this Affair, and Flight, the King seized upon and spoiled all his Lands and Possessions<sup>t</sup>: But *Stephen's* Circumstances being then in no such Plight as to warrant those Proceedings, he was soon obliged to recall the Archbishop, and make him Satisfaction for his Depredations. *Stephen* died soon after, and was succeeded by

**King Henry II.** *Henry II.* who began his Reign in the Year 1154. He was the Son of *Maud* the Empress, Daughter to *Henry I.* by *Maud* Daughter of *Margaret* Queen of *Scotland*. In this Prince the antient Royal *Saxon* Line was restored to the Crown of *England*.

**Anno Regni 2.** This King summoned a General Assembly<sup>u</sup>, or, as  
1156. some will have it, a Parliament, in the second Year of his Reign, to meet at *Wallingford*; wherein the Bishops and Barons swore to the Succession of his Sons *William* and *Henry*, and the King confirmed the Charter of the Realm. But,

**Anno Regni 10.** In the Year 1164, the same King *Henry* called together a much greater Assembly, and which comes the  
1164. nearest a Parliament of any Thing we have yet met with.

**At Clarendon.** This Convention of the Estates was held at *Clarendon*, and consisted, as *Paris* writes, of the<sup>w</sup> Archbishops, Bishops, Abbots, Priors, Earls, Barons, and Nobles of the Realm; over whom, by the King's Command, *John de Oxford*, his Chaplain, was made President. In this Assembly the King carried it with a very high Hand against the Prelates and Holy Church, say the Monkish Writers, and even forced *Thomas à Becket*, Archbishop of *Canterbury*, with the rest of them present, to swear to sixteen Articles drawn up for that Purpose. These Articles are at large in *Mat. Paris*, *Gervase* of *Canterbury*,  
and

<sup>t</sup> *Mat. Paris* says that some of the Temporal Lords did swear Allegiance to *Eustace*.

<sup>u</sup> *Conventus generalis Præsulum et Principum. Chron. Gervaf. Cant. inter Decem Script.*

<sup>w</sup> *Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Proceribus Regni. Mat. Paris.*

and other old Writers, called *The Constitutions of Clarendon*, King Henry II. but have been so often copied by the Moderns, that it is needless to insert them here. *Thomas* travelled to *Rome*, and was absolved from his Oath by the Pope; returned back to *England*, and afterwards bred that Disturbance in the State which ended in his own Murder, and the King's shameful Penance for having a Hand in it.

There was also another Convention, or Assembly, of the Bishops and Barons, called to *York* in this King's Reign, viz. Anno 1171; in which *Malcolm* King of *Scotland*, and his Successor *William*, appeared and did Homage to *Henry* for that Kingdom. In this Meeting this Subjection is said to be very particular; *William* leaving his Breast-Plate, Sword, and Saddle, which were to be kept in the Cathedral Church of *York* as a perpetual Memorial of it <sup>x</sup>.

In the Year 1176 this King *Henry* at *Northampton*, by and with the Advice and Consent of the King his Son, whom he had caused to be crowned some Time before, the Bishops, Earls, Barons, Knights, and others, constituted and appointed Justiciaries, in six different Parts of the Realm, three in each Division; who were sworn to execute Justice impartially to every one.

These Justices and their several Districts are particularly named by *Roger Hoveden*, but are not consistent with our Design to mention here. Sufficient it is to say that the Assizes, Statutes, or Laws of this King *Henry*, made some Time before at *Clarendon*, were again renewed at this Convention, and the new-made Justices were sworn to observe them.

Again, in the Year 1186, another Convention of the Estates was called to meet at *Gayntington*, and by their Consent he imposes the same Tax upon his Subjects in *England* which he had just then levied in *Normandy*, and the rest of his foreign Dominions. This was imposed in order to carry on a War, jointly with the King of *France*, against the *Turks* and *Saracens*, for the Recovery of the Holy Land: But the Undertaking failed in Embryo;

<sup>x</sup> H. Knyghton inter Decem Script.

<sup>y</sup> Coram Episcopis, Comitibus, Baronibus, Militibus et aliis Hominibus suis. Rad. de Diceto inter Decem Script.

R. Hoveden. Daniel's History of England.

<sup>z</sup> Since call'd *Gayton*, in *Northamptonshire*.

King Henry II. bryo; and soon after, viz. the very next Year, King Henry II. died.

Taxes in his  
Reign.

Taxes seem to have been raised in this King's Reign as arbitrarily as before; in the Beginning of it there was a Scutage, but there is no Account what it amounted to. A second Scutage was made in the fifth Year of his Reign, amounting to 180,000*l*. In his seventh Year a third Scutage was raised at two Marks every Knight's Fee; in the 12th, 2*s*. in the Pound for the first Year, and 1*d*. a Pound for four Years after, of all Rents and Moveables; in the 14th of his Reign, a fourth Scutage at a Mark a Knight's Fee; in the 18th, a fifth Scutage, uncertain what it was; in the last Year of this King's Reign, a Tenth on all Moveables for the Crusade<sup>a</sup>.

King Richard I. Richard I. furnamed *Cœur de Lion*, was the third but eldest surviving Son of Henry II. and began his Reign in the Year 1189.

Anno Regni I.  
1189.

In this King's Reign we meet with a Convention of the Estates, in the very first Year of it. At this Time the French King sent an Ambassador to acquaint the King of England that he, and the whole Noblesse of France, had sworn to go and attempt the Rescue of the Holy Land from the Hands of the Saracens; and invited Richard and his Nobles to join with them in this Holy Undertaking. Upon this Embassy the King convenes the Bishops, Earls, and Barons of the Realm, says Paris, At Westminster. to meet at Westminster<sup>b</sup>; when, acquainting them with the French King's Invitation, it was readily agreed to accept of it by Richard and his Peers. The King and the Nobles, taking the same Oath, set out from England some Time after, to meet the French, and prosecute this Holy War with their joint Forces.

[ 17 ]

The Prosecution of this Holy War, the various Successes, and glorious Exploits of our brave English King and

<sup>a</sup> Antiently there were computed to be in England 40,000 Knights' Fees in the Possession of Spiritual and Temporal Persons; some Writers say 60,000 Knights' Fees. Stow quotes John Rouse, a very antient Manuscript Historian, who writes, That there were found, in the 15th Year of the Conqueror, 60,211 Knights' Fees in England. A Scutage, in After-reigns, was usually 40*s*. on each Fee, which must amount to a vast Sum of Money in those Days. Stow's History of England, p. 191.

<sup>b</sup> At London, says Brompton.

Rex congregatis Episcopis, Comitibus, et Baronibus Regni Parlamentum, Londoniæ habuit. Chron. Johan. Brompton inter Decem Script.

and his Forces, are copiously treated on by *M. Paris*, King *Richard I.* and the other Monkish Writers of those Times. It is neither our Design to follow him into the *East*, nor attend him in his long and dangerous Passage back again. At his Return he found that his Brother *John* had been playing the Devil with him at home, whilst he had been fighting the Lord's Battles abroad. In short, he had, in Conjunction with the *French King*, who, upon a Quarrel in the Holy War, had become *Richard's* mortal Enemy, done his utmost to dispossess his Brother of his Kingdom. And it cost King *Richard*, after his Return, some Trouble and Bloodshed to bring *John* and his Party to their due Obedience.

Soon after, the King thought fit to call a Parliament Anno Regni 5,  
1194.  
at *Nottingham*; where it is said by some, that Queen *Eleanor* his Mother was present, and sat on his Right Hand. But *Roger Hoveden*, who is very particular in At Nottingham.  
his Account of this Assembly, and what was done at it, writes, 'That the King sat in State, with *Hubert Walter*, Archbishop of *Canterbury*, on his Right Hand; and *Geofry Plantagenet*, Archbishop of *York*, on his Left'; The rest of the Bishops and Peers that composed this Meeting, and are mentioned, were *Hugh Pudsey*, Bishop of *Durham*; *Hugh*, Bishop of *Lincoln*; *William Longchamp*, Bishop of *Ely*, the King's Chancellor; *William de Vere*, Bishop of *Hereford*; *Henry*, Bishop of *Worcester*; *Henry Mareschal*, Bishop of *Exeter*; and *John*, Bishop of *Whitehaven*; *David* Earl of *Huntington*, Brother to the King of *Scots*, *Hamelin* Earl of *Warren*, *Ralph Blundevile* Earl of *Chester*, *William* Earl of *Ferrers*, *William* Earl of *Salisbury*, and *Roger Bigot* Earl *Marshall*. On the first Day of their Session, which was *March 29th*, the King deprived *Gerhard de Canvile* of the Possession of the Castle of *Lincoln*, and his Office of Sheriff of that Shire; *Hugh Bardolph*, of the Castles of *York* and *Scarborough*, the Custody of *Westmoreland*, with the Office of Sheriff of *Yorkshire*, and exposed them to Sale. The Archbishop of *York* bought the Sheriff's Office for that County for 3000 Marks, and an annual Rent of 100 Marks<sup>d</sup>. On the second Day the King demanded Judgment against his Brother *John*, for having, contrary to his Oath of Fealty, usurped his Castles, and entered

[ 18 ]

VOL. I. B into

<sup>c</sup> *Rogeri Hoveden Annales*, p. 419. <sup>d</sup> *Ibid.*



King *Richard I.* into a Confederacy with the King of *France* against him; as also against *Hugh de Navant*, Bishop of *Coven-*  
*try*, for adhering to him and his other Enemies. It  
 was determined that they should both appear upon a  
 Day fixed, to answer according to Law; which if they  
 refused to do, the Earl should be banish'd, and the Bishop  
 undergo such Penalty both from Clergy and Laity as his  
 Crime deserved<sup>e</sup>. On the third Day the Parliament  
 granted to the King two Shillings from every Plough-  
 Land in *England*<sup>f</sup>: Besides he required a third Part of  
 the Service of every Knight's Fee for his Attendance in  
*Normandy*, and all the Wool that Year of the *Cistercian*  
 Monks, which being judged too hard, he compounded  
 with them for a Fine. The fourth and last Day was  
 spent in hearing and determining of Grievances and Ac-  
 cusations; and so this Assembly broke up after coming  
 to a Resolution, That to nullify the Act of Submission  
 which *Richard* had been obliged to perform to the Em-  
 peror, he should be crowned again; which accordingly  
 was performed the *Easter* following at *Winchester*.

[ 19 ]

The most of this King's short Reign was spent in this  
*Crusade*, as well as great Part of the Nation's Money.  
 In the first Year of it a Scutage of twenty Shillings was  
 laid on every Knight's Fee. In the second, for the  
 Armament to carry on the Holy War, two Saddle  
 Horses and two Sumpter Horses were taken of every City;  
 of every Abby one Saddle Horse and one Sumpter Horse;  
 and of every Manor of the King's the same as the Ab-  
 bies. For his Ransom, when Prisoner to the Emperor,  
 of every Knight's Fee twenty Shillings; a fourth Part  
 of the Rents of the Laity; a fourth Part of the Rents  
 of some Clerks, and a tenth of others; all the Gold and  
 Silver the Churches had; and all the Wool of that Year  
 the *Cistercians* had, as well as the Monks of the Order  
 of *Sempringham*, who never were taxed before<sup>g</sup>. The  
 Sum

<sup>e</sup> *John* not appearing within the Time limited, the King caused Sen-  
 tence to be pronounced against him, confiscating all his Lands, and decla-  
 ring him incapable to succeed to the Crown. The Bishop, two Years after,  
 was restored to the King's Favour and his Bishoprick for 2000 Marks,—  
*Daniel's History of England.*

<sup>f</sup> A Tax antiently called *Temantale*. *R. Howeden.* See *Temantale* in  
*Jacob's Law Dictionary.*

<sup>g</sup> *Nulla denique Ecclesia, nullus Ordo, nullus Gradus vel Sexus, est præ-*  
*termisus, qui non cogetur ad Liberationem Regis.* *M. Paris.*

Sum the Emperor demanded for King *Richard's* Ran- King *Richard I.*  
som was 150,000 Marks of Silver<sup>h</sup>. For Liberty of  
Tournament, every Earl gave 20 Marks, every Baron  
10 Marks, every landed Knight 4 Marks, and every  
Knight of Fortune 2 Marks. In the Years 1185 and  
1196 were raised the Sum of 1,100,000 Marks, but  
not said how; also an Aid of five Shillings of every  
Plough-Land. Great Sums were also raised by Seizures,  
Fines, and Compositions, and Sale of the Demefne  
Lands. In fine, so much Money went out of the King-  
dom on this expensive *Crusade*, and for the King's  
Ransom, that scarce a genuine Coin of this King's  
Stamp is to be met with in the Collections of the Cu-  
rious.

To *Richard* succeeded *John* his Brother, the youngest King *John.*  
Son to *Henry II.* whose Reign, though it proved very  
unhappy and troublesome to himself, yet it chanced to  
be of infinite Service to his Subjects and all their Po-  
sterity.

In the Year 1200, the first of his Reign, he called to- Anno Regni 1.  
1200.  
gether the Estates of the Realm to meet at *Lincoln*; where  
also, say our Historians, he had summoned *William*  
King of *Scotland* to appear and do Homage to him for  
that Kingdom. The *Scots* King came, and the Cere-  
mony was performed on a Hill near *Lincoln*, in the  
Presence of all the Noblemen of both Kingdoms, and  
all the People<sup>i</sup>. This Convention is also called a Par-  
liament by some old Writers<sup>k</sup>, tho' for what Reason  
we are not able to learn, for there were no Laws of any  
B 2 At *Lincoln*.

[ 20 ]

<sup>h</sup> One hundred and fifty thousand Marks, *ad Pondus Coloniae Monetæ  
publice probatæ. Rad. de Diceto, inter Decem Script.*

One hundred thousand of which Marks was all which could then be  
raised, and at once paid down, amounting to upwards of 194,000 *l.* of  
our present Money, as Mr. *Folkes* has shewn in his Table of Silver Coins,  
p. 142 and 166.

In this King's Reign *Hubert*, Archbishop of *Canterbury*, gave this as a  
Reason for his withdrawing from the Administration, That there had been  
levied on the Subjects, in the Years 1195 and 1196, the Sum of  
1,100,000 *l.* which, according to Dr. *Dowdant*, an ingenious and ju-  
dicious Writer, was equal to Eleven Millions in our Times. *Campbell's*  
*Lives of English Admirals*, vol. I. p. 196, 2d Edit.

<sup>i</sup> *Coram Optimatibus utriusque Regni et omni Populo. Knyghton, inter  
Decem Script.*

<sup>k</sup> *Rex Johannes in Angliam ex Normania reversus, Parliamentum suum  
inque Lincolniam convocaverat. Chron. J. Brompton inter Decem Script.*

King *John*. Kind enacted at it. But, in the Year 1204, and the fifth of his Reign, we find a Meeting of the Nobles called, much liker a Parliament than the last<sup>1</sup>; they met at *Oxford* on the second of *January*, but by what Writ they were summoned is not specified. Here was granted to the King two Marks and a Half of every Knight's Fee; nor did the Bishops or Abbots, or other of the Clergy, depart without a Promise of the same.

Anno Regni 5.  
1204.  
At *Oxford*.  
Anno Regni 14.  
1213.  
At *London*.  
The Storm betwixt this King and his Barons beginning to grow high, *Stephen Langton*, Archbishop of *Canterbury*, interposed, and with much ado prevailed upon *John* to call a Parliament, or Convention of Estates, which met at *London* in *St. Paul's Cathedral* on the 25th of *August* in this Year. Here the Archbishop produced a Charter of King *Henry I.* which he said he had found by Chance, and by which he granted to his People their antient Liberties, which had been violated by the unjust Exactions of his Predecessors, such as were according to the Laws of King *Edward*, and with those Amendments which his Father, by the Counsel of his Barons, did ratify. This Charter, which is still extant in *M. Paris*, being read amongst the Barons, they were much rejoiced at it; and swore in the Presence of the Archbishop, that for these Liberties they would, if Need required, spend their Blood; and making an Agreement with the Prelate to that End, they broke up without any Answer from the King.

*Magna Charta*. Now we come to the Time when *Magna Charta*, or the Great Charter of our Liberties, was granted, or rather forced from this King by his Barons. This being the Fundamental Part of our *English* Laws, stands in the Front of all our printed Statutes, and is the great Bulwark betwixt the Power of the Crown and the Liberties of the Subject: For having been frequently renewed and confirmed by several Acts of Parliament, it is, by the ablest Lawyers, called *L'Estatute de Magna Charta*, *Charta Libertatum Regni*, *Communis Libertas*, and *Chartre de Franchises*. The Reason of its being called *Magna*, says one<sup>m</sup> great Man of the Law, is because of the

<sup>1</sup> *Rex & Magnates Angliæ convenerunt, apud Oxoniam ad Colloquium.*  
M. Paris.

<sup>m</sup> *Coke's Institutes*, Lib. ii, Cap. 3. A poor Gingle.

the great Weightiness and weighty Greatness of the King *John*.  
Matter contained in it.

This Charter was first granted in Form by King *John*, in the sixteenth Year of his Reign, after a long Series of Civil War between him and his Barons, of which our Chronicles give a melancholy and terrible Description. The King being at last hard put to it by the Barons, deserted almost by every one, and having, as *M. Paris* writes, only seven Lords about his Person, thought it high Time to sooth his other angry Nobles, and therefore sent *William Marechal*, Earl of *Pembroke*, with some others, to the Lords, then at *London*, to tell them that he would grant the Laws and Liberties they desired. The Ambassador and his Message were received with great Joy by the Barons, who appointed a Time and Place, according to the King's Desire, for the Meeting.

Anno Regni 16.  
1215.

This great Assembly of the King and the Barons was in a Place betwixt *Windfor* and *Stains*, called *Runingmede*<sup>n</sup>, which is interpreted, says *Mat. Westminster*, the *Meadow of Council*; because, adds he, in antient Times the Peace of the Kingdom had been frequently treated on in that Place. On the 15th of *June*, 1215, the King and Nobles met in this Meadow; on the King's Side appeared with him the Archbishops of *Canterbury* and *Dublin*, the Bishops of *London*, *Winchester*, *Lincoln*, *Bath*, *Worcester*, *Coventry*, and *Rocheſter*; *Pandulph*, the Pope's Agent, and Master of the Order of Templars in *England*: Of Noblemen, *William Marechal* Earl of *Pembroke*, the Earls of *Salisbury*, *Warren*, and *Arundel*; *Alan de Galewey*, *William Fitzgerald*, *Peter Fitzherbert*, *Thomas Bassett*, *Matthew Fitzherbert*, *Alan Bassett*, *Hugh de Nevile*, *Hubert de Burg*, *Robert de Roppelay*, *John Mareſhall*, and *Philip de Albiney*. On the Part of the Barons, says *Paris*, appeared such a Number, that it seem'd as if all the Nobility of *England* were collected into one Body. At length, adds our Author, after they had treated on various Subjects, the King, knowing full well that his Strength was much inferior to that of the Barons, without the least seeming Reluctance, agreed to several Articles, and confirmed them by his Charter.

At *Runingmede*.

[ 22 ]

B 3. Next

<sup>n</sup> *Mat. Westminster* calls it *Runnemed*; and *M. Paris*, *Runingemund*.

This Meeting was properly neither a Convention nor a Parliament, since not call'd by the King.



King John.

*Charta de Foresta*

Next follows the Charter at Length in *M. Paris*, as well as the *Charta de Foresta*, granted at the same Time; which Forest-Laws and Customs, as they could not be inserted in the same Schedule with the former, by reason of their Length, says *Paris*, made a different Instrument, and was witnessed accordingly. Both these Charters have been so often printed and published in various Authors and Forms, that it is unnecessary here to say any more about them; particularly they have lately had great Justice done to them in a pompous Work published by *William Blackstone*, Esq; Vinerian Professor of the Laws of England, at Oxford<sup>n</sup>. This Gentleman has traced these Charters, very learnedly and painfully, from the original granting of them, through the several Attempts of our Kings to cassate or infringe them, to their final Confirmation and Establishment. A Work which reflects great Honour upon the Author, and worthy of the Attention of every *Englishman* that would understand the Laws and Liberties of his Country.

That our Readers may the better understand to whose Memories they are indebted for great Part of their present Liberties, it will not be amiss to give the Names of twenty-five Lords who were chosen by the rest, and sworn to see that this Royal Charter was confirmed by the Pope's Bull for the greater Security of it. The Titles and Names were as follow: The Earls of *Clare*, *Albemarle*, *Gloucester*, *Winchester*, and *Hereford*; *Roger Bigot* of *Norfolk*, *Robert de Vere* of *Oxford*, Earl *Mareschal*, jun. *Robert Fitzwalter*, sen. *Gilbert de Clare*, *Eustace de Vesey*, *Hugo Bigot*, *William de Mulbray*, *William de Huntingfild*, *Richard de Mountfitchet*, *William de Albineto*, the Mayor of *London*, *Gilbert Delaval*, *Robert de Ros*, the Constable of *Chester*, *Richard de Percy*, *John Fitzrobert*, *William Mallet*, *Geofry de Say*, and *Roger de Mulbray*. To these Lords were also sworn, as Co-adjutors and subservient to them, the Earls of *Arundale* and *Warren*, *Henry D'Oily*, *Hubert de Burg*, *Matthew Fitzberbert*, *Robert de Pinkeni*, *Roger Huscarle*, *Robert de Newbury*, *Henry de Ponte Audomarli*, *Radulph de la Haic*, *Henry de Brentfeld*, *Garim Fitzgerald*, *Thomas Basset*, *William de Rokelant*, *William de Saintjohan*, *Alan Basset*, *Richard de Ripariis*, *Hugo Beneval*, *Jordan de Saukvill*,

<sup>n</sup> Oxford, at the Clarendon Press. M.DCC.LIX.

*Saukwill, Rad. Muscard, Richard Sibflewast, Robert de King John. Ropelay, Andrew de Beaucamp, Walter de Dunestable, Walter Folioth, John Faukes, John Mareschall, Philip de Albeni, William de Parco, Radulph de Normanville, William de Perci, William Agailun, Engerus de Pratest, William de Cirent, Roger de Zuche, Roger Fitzbarnard, and Geofry de Cracumbe.* These all swore, says *Paris*, to obey the Commands of the aforesaid twenty-five Barons; and all these together make up the List of the principal Persons that composed this Grand Assembly. The King, however, was not over willing to stick to these Charters of Liberties, but had many Struggles with his Barons afterwards, in order to disannul them. He died the Year following, and left his Kingdom, deeply involved in this Civil War, to his eldest Son *Henry* °.

*Henry III.* began his Reign in the Year 1216, being King *Henry III.* then only Nine Years of Age. At a very dangerous and troublesome Period did this young King come to the Crown; the Kingdom full of intestine Broils, and a foreign Enemy, headed by *Lewis* the *French* King's Son, in the Heart of it. But the Barons, soon after, finding it their own Interest to unite, did so, and drove *Lewis* out of the Kingdom; and all Things went on in an amicable Manner during the King's Minority.

There are some Instances of Parliaments, or Conventions of the Barons, &c. being called in the Minority of this King, in *Dr. Blackstone's* Introduction to *Magna Charta*, before-mentioned; particularly one in the Year 1217, A. R. II. at *London*, which, the Doctor says, has escaped the Notice of all our antient Historians, as, doubtless, he adds, many others have done. At this Meeting the King's Ministers, in the Name of their young Master, thought fit to ratify and confirm the two Charters granted by his Father<sup>p</sup>. But we have no absolute Certainty of any more till in the Year 1223, Anno Regni 8.  
1223. a Meeting of the Barons, or a Parliament, was summoned to *London*; where the King met them, *January* 13th, the same Year<sup>q</sup>. At this Conference the Archbishop At London.  
of

° There were several Scutages in this King's Reign, but as they were arbitrarily and variously collected, they do not deserve Notice; who will may see them in a modern Historian. See *Carte's History of England*, Vol. I. p. 844.

p See *Blackstone's Mag. Char.* Introd. p. xxxix. and Note (t) p. seq. ib.

q *Rex ad Londonias venit cum Baronibus ad Colloquium.* M. Paris.

King Henry III. of Canterbury, Stephen Langton, and other great Men, requested the King that he would confirm the Liberties and free Customs for which a War was made with his Father; urging, moreover, That when *Lewis* left *England*, both the King and all the Nobility had sworn to observe, and cause to be observed, those Liberties; and therefore he could not refuse to do it. Upon which *William Briwere*, one of the King's Council, replied, 'That the Liberties they desired were violently extorted, and therefore ought not to be observed.' The Archbishop of *Canterbury* in a Passion reproved him, and said, 'That, if he loved the King, he would not hinder the Peace of the Kingdom.' The King, seeing the Prelate much moved on the Occasion, assured them, 'That he had bound himself by an Oath to preserve their Liberties, and what was sworn he would observe.' And having called a Council he forthwith sent his Letters to all the Sheriffs in the Kingdom, to make Inquiry by the Oaths of twelve Knights or legal Men, in every County, what were the Liberties of *England* in the Time of King *Henry* his Grandfather, and to make a Return of them to *London* fifteen Days after *Easter*.

[ 24 ]

Anno Regni 9.  
1224.

At Northampton.

The next Year, 1224, the King met the Archbishops, Bishops, Earls, Barons, and many others<sup>r</sup>, summoned to appear at *Northampton*, to treat about the Affairs of the Kingdom. The King being willing, says *Paris*, to take the Advice of his Great Men<sup>s</sup>, concerning his foreign Dominions, which the King of *France* had then in his Possession. But their Negotiations were interrupted by a small Rebellion, which at that Time broke out very near them. One *Falcassus*, or *Fauke de Brent*, had seized upon *Braibrooke*, one of the King's itinerant Justices, for setting a Fine upon him for committing much Spoil and Rapine in the Country, and had imprisoned him in his Castle at *Bedford*. The King and his Great Council being much scandalized at such a bold Proceeding, ordered the Castle to be besieged; which it was, and taken, and 24 of the Garrison hang'd up on the Walls of it. The Rebel himself found Means to fly into *Wales*; but, by the Intercession of a Bishop, he was introduced to the King, fell down at his Feet and

implored

<sup>r</sup> Convenerunt ad Colloquium apud Northampton, Rex cum Archiepiscopis, Episcopis Comitibus, Baronibus, cum multis aliis. M. Paris.

<sup>s</sup> Uti Consilio Magnatum. Ibid.

implored his Mercy, urging his former Services for his King Henry III. Pardon. The King, by the Advice of his Council, having first taken from him his Castles, Lands, and Goods, committed him to the Custody of the Bishop of *London* till further Orders. After this the Assembly granted to the King, for his great Trouble and Expences, 2 s. of every Plough-Land; and the King, in return, granted the Barons two Marks Sterling of every Knight's Fee, [ 25 ] to be levied on their Tenants.

King *Henry* kept his *Christmas* at *Westminster* in the Anno Regni 10. 1225. Year 1225, where it appears that the Barons, &c. were summoned. Here it was that, in a very full Assembly At Westminster. of both Clergy and Laity, *Hugo de Burgh*, the King's Justiciary, in the Presence of them all, declared 'The Damages and Injuries the King sustained in his Dominions beyond Sea; wherein not only the King, but also several Earls were thrown out of their Possessions. That, seeing many were concerned, the Assistance ought to be proportionable; he therefore requir'd their Counsel and Aid, that the Royalties of the Crown, and their antient Rights, might be recovered; for the retrieving of which, he thought, the fifteenth Part of all Moveables, both of Ecclesiastics and Laics, would be sufficient.' This being moved by the Chief Justice, the Peers, after some Deliberation, returned this Answer to the King: 'That they would readily satisfy his Demands, if he would grant to them their long-desired Liberties.' To this the King consented, and Charters were forthwith writ, and sealed with the King's Seal, and one directed to every County in *England*. To the Counties also, where there were Forests, two Charters were directed; one concerning their common Liberties, and the others the Liberties of the Forest. The Tenor of these Charters are the very same with those of King *John*. A Month after *Easter*, a Day was set to chuse twelve Knights and legal Men, who, upon Oath, should distinguish the new Forests from the old ones; and whatever Forests were found to be made after the Coronation of *Henry II.* were forthwith to be disafforested.

The Council being ended, Charters were carried to every County; and, by the King's Command, every

one

<sup>t</sup> *Coram Archiepiscopis, Episcopis, Comitibus, Baronibus, et aliis Universis.* M. Paris.

<sup>u</sup> *Duodecim Milites et Homines Legales.* Ibid.



King Henry III. one sworn to observe them. The Way and Manner of levying this Fifteenth was directed by the King; and because it is very particular to know how Fifteenths were raised in those Days, Dr. Brady has printed the Record of it in his *Appendix*<sup>w</sup>. In this Parliament also the Barons granted the King the Wards and Marriages of their Heirs, which proved, what it was then called by those who had a View into the Consequences of Things, *Initium Mali*.

[ 26 ]

The same Year, in the Month of *March*, another Assembly of the Great Men was called; but nothing more was done at it than the Trial of *Falcaſius de Brent*, the Rebel aforeſaid; when the King, with the Conſent and Advice of the Nobles, condemned him to perpetual Banishment. This Man, ſays *Paris*, at his going on Shipboard to his Exile, with Tears in his Eyes, bid the Meſſengers that conducted him tell the King, ‘ That whatever he had done was by the Inſtigation of the *Engliſh Barons* <sup>x</sup>.’

Thus far Matters went very even betwixt this King and his Barons; but now *Henry*, being arrived at Manhood, wanted to knock off the Shackles which were impoſed, as he thought, on the Royal Prerogative, by the granting of the Great Charter, &c. notwithstanding he had, at his Coronation, ſworn to keep them inviolably, and had publickly confirmed this Oath at ſeveral Times after.

Anno Regni II.  
1226.

At Oxford.

To this Purpose, in the Year 1226, at an Assembly of the Peers, called to meet together at *Oxford*, the King told them, ‘ That ſince he was now arrived at a lawful Age, for the future he would be releaſed from the Government of others, and take the Reins of it into his own Hands.’ He then, by his Authority, cancelled ‘ *Magna Charta* and *Charta de Foreſta*; giving this Reaſon, ‘ That thoſe Charters of Liberties were made and ſigned when he was not his own Maſter, but under the Government of others, and conſequently could not be valid, becauſe he was not bound to keep what he was forced to promiſe <sup>y</sup>.’ This Declaration, ſays *Paris*, made very great Murmuring in the Aſſembly; and all aſcribed

<sup>w</sup> See the *Appendix* to Dr. Brady’s *Compleat Hiſtory*, from Pat. 9 H. III. M. 7. *Dorſo*.

<sup>x</sup> *Inſtinctu Majorum Regni Aneliæ feciſſe*. M. *Paris*.

<sup>y</sup> *Com nec ſui Corporis aut Sigilli aliquam Potestatem habuerit*. *Ibid*.

ascribed this Act of the King's to the Advice of his Prime Minister, *Hubert de Burgh*, at that Time Chief Justice of *England*; who, adds our Authority, was grown so much in the young King's Favour, that no Advice but his own was the least regarded. At the same Time, it was told the Churchmen, 'That the King intended to maintain their Liberties, provided they would all take out new Charters, esteeming the old ones as no ways valid. And, as a more mortal Wound to the Clergy, a Fine was laid, not according to their Abilities, but what the Prime Minister demanded, that they were obliged to pay.'

In the Year 1232, the King kept his *Christmas* at *Winchester*, and upon the 7th of *March* following he met the Nobles, as well Prelates as Laics, at *Westminster*<sup>2</sup>: To whom he declared, 'That his late Expedition abroad had involved him in very great Debt, by which he was now absolutely obliged to require a general Aid.' To this Demand *Ranulph*, Earl of *Chester*, replied, in the Name of the Noblemen, 'That the Earls, Barons, and Knights who held of the King, *in Capite*, had personally served him, and had been at great Expence to no Purpose; whereby they were reduced to Poverty; and therefore, of Right, they owed no Aid to the King at that Time.' Then the Lay Lords, asking Leave, departed. The Prelates, &c. answered for their Parts, 'That many Bishops and Abbots, who were summoned, were not yet come up; and therefore desired that it might be deferred, and a Day appointed for all to meet together, and consult what ought to be done in that Business.' The King agreed to this, and the Meeting was fixed to be fifteen Days after *Easter*.

Some Time after this a great Storm was raised against *Hubert de Burgh*, the King's Prime Minister, and Chief Justice of *England*: He was accused of several very high Crimes and Misdemeanors, recounted at large by *M. Paris*: That he had been guilty of several treasonable Practices, and given treacherous Advice to the King; much to the Prejudice of both him and the Kingdom: That he had procured *William Longespee* Earl of *Salisbury*, *William Mareschal* Earl of *Pembroke*, *Falcaus de Brent*, and

King Henry III.

Anno Regni 16.

1232.

At Westminster.

[ 28 ]

<sup>2</sup> *Convenerunt ad Colloquium apud Westmonasterium, ad Vocationem Regis, Magnates Angliæ, tam Prælati quam Laici. M. Paris.*

King Henry III, and Richard Wethershed Archbishop of Canterbury, to be poisoned: That he had gained the King's Affections by Sorcery and Witchcraft. He was accused also of Injustice, Extortion, and Rapine. All which extraordinary Crimes were urged so home against the Favourite, before the King, that he caused it to be publicly proclaimed in *London*, that whoever had any Complaint against *Hubert* should come before him, and Justice should be done to the Offended.

Anno Regni 16.  
1232.

At Lambeth.

On the 14th of *September*, the same Year, 1232, the King summoned the Bishops and other Prelates of the Church, with the Nobility of the Kingdom <sup>a</sup> to meet at *Lambeth*; by whom the fortieth Part of all Moveables, belonging to all Bishops, Abbots, Priors, Clerks, and Laymen, was granted to the King, for the Payment of the Debt which he owed to the Earl of *Britain*. At this Convention also *Hubert de Burgh* was required to give in his Answer to the several Articles preferred against him; as it had been stipulated by the King. But *Hubert*, says *Paris*, fearing that the King would put him to some shameful Death, thought fit to abscond and shut himself up in a Sanctuary amongst the Canons at *Merton* <sup>b</sup>; waiting for a Time to give in his Answer when the King was in a better Humour. *Henry*, in a great Rage at this, sent to the Mayor of *London* to force *Hubert* from his Sanctuary, and bring him before him dead or alive. The *Londoners*, glad of this Opportunity to be revenged of *Hubert*, for hanging a favourite Citizen of theirs, rung the Alarm Bell, and, instantly, near 20,000 of the meaner Sort were collected together, to whom the Mayor read the King's Letter, and desired them to be all ready in the Morning to perform the King's Commands. But some of the graver Sort of Citizens, and richer we suppose, dreading the ill Consequence of raising such a tumultuary Mob, went to the Bishop of *Winchester's* House at *Southwark*, and desired his Advice, who told them plainly that whatever came of it they must execute the King's Precept. Struck with this strange Episcopal Advice, says *Matthew*, they retired; and accordingly next Morning the same Number

[ 29 ]

<sup>a</sup> *Episcopi et alii Ecclesiarum Prælati, cum Proceribus Regni.* M. Paris.

<sup>b</sup> *Merton* in *Surrey*, an Abby founded by *Henry I.* for Canons of *S. Austin*, Anno 1121. Mon. Ang. tom. II. p. 135.

ber of Citizens, or more, appeared in Arms, and, with King *Henry III.* Colours flying, march'd towards the Sanctuary. *Hubert*, when he heard of this, gave himself up for lost, and, throwing himself on his Knees before the High Altar of the Church, recommended both his Soul and Body to God. But *Ranulph* Earl of *Chester* had hinted to the King, that if such tumultuous Proceedings were countenanced, a Sedition might be raised that would not be easily appeased; adding, that it would be a great Reproach to the King abroad, when it was heard that he thus treated those who had been his Favourites. The King was stagger'd at this, and immediately dispatched two Messengers with Letters to the Mayor to revoke his former Precept. The Citizens were amazed at these counter Orders; but, however, notwithstanding they missed of their Prey, they all went quietly back to their own Homes.

These Things happened whilst the aforesaid Convention of the Nobles was sitting at *Lambeth*, in order to have *Hubert* brought before them, which makes us so particular in the Recital.

*Hubert*, however, escaped the Fury of his Enemies for that Time; and having soon after delivered up all his immense Riches to the King, it so soften'd *Henry's* Heart, that if he did not wholly forgive him, yet he granted him all his Lands again; and *Hubert* only remained a State Prisoner in the Castle of *Devizes* for some Time.

In the Place of *Hubert de Burgh*, Earl of *Kent*, *Henry* soon got a new Favourite, but ten Times more obnoxious to the Barons than the former. This was *Peter de Rupibus*, Bishop of *Winchester*; who, with *Peter de Rivall*, his Kinsman, now governed the King and all the public Affairs of the Kingdom. These Men, being Foreigners, invited over into *England* several *Poitevins* and *Bretons*, to the Number of 2000 Knights and Servants, who were placed as Garrisons in several Castles; and to these the easy King committed the Wardships of the Nobility; which afterwards much degenerated, by being ignobly matched to these Foreigners. And when any *Englishman* complain'd of their Burdens and Oppressions to the King, they were hindered from any Redress by the powerful Influence of the Bishop of *Winchester*.

[ 30 ]

By



King Henry III. By these Means the Flame, that burnt so fiercely in his Father's Time, was again lighted up in the Kingdom : For *Henry* having sent out his Letters, says *Paris*, to call the Barons together to a Council, to be held on the Feast of St. *John*, in the Year 1233, at *Oxford*, the Barons absolutely refused to obey the King's Command ; by reason, adds our Author, that they feared the Treachery of the Foreigners, who then swarmed at Court ; and because they had conceived a just Indignation against the King, for preferring the *Poitevins* to his own natural Subjects. This Refusal they had delivered to the King in a very solemn Manner ; who, being much exasperated at the Barons for this Affront offered to his Authority, took Advice of his Lawyers how he should compel them to obey. The King was advised to summon them a second and a third Time, to try whether they would appear or not. But one of the Council being so bold as to tell him that it would be to no Purpose, nor would the Barons ever obey his Mandate, or he enjoy any Peace, unless he would remove *Peter* Bishop of *Winchester*, and *Peter de Rivall* his Nephew, (or his Son, rather, says *Paris* with a Sneer) from his Counsels, the King sent again to his Barons, to summon them to meet at *Westminster* on the 10th of *July* following, and there, by their Advice, he promised to amend whatsoever was amiss, or by Right ought to be amended. But when the Barons had heard that the King only sought to ensnare them ; that he had actually got over from abroad a Set of Banditti, or Robbers, with Arms and Horses for that Purpose ; they could see no Signs of Concord, and again refused to come to him ; sending special Messengers to the King with this positive Demand, ' That if he did not, without more Delay, dismiss *Peter* Bishop of *Winchester*, with the rest of the *Poitevins* from his Court, they would never obey any of his Summons, but instantly drive him and his evil Counsellors out of the Kingdom, and elect a new King.'

And at Westminster.

[ 31 ]

*Henry* was amazed, and his whole Court much terrified, at the Haughtiness of this extraordinary Message ; but yet, by the Advice of the Bishop, he sought to repel Force by Force, seized upon several Manors belonging to the Barons nearest him, declaring the rest of them

them Traitors, and that he would give their Estates to King Henry III. his Foreigners.

However, the Year after, 1234, the King was better advised, and the Bishops and Barons met him at *Westminster*, in order to settle, in this General Council, the National Disturbances. *Edmund* Archbishop of *Canterbury*, with the rest of the Prelates, went to the King and his Council, and told him, boldly and openly, 'That if he would not consent to the Conditions the Lords had already proposed to him, and agree with his faithful Subjects, that he, with the Bishops, would immediately excommunicate him and all his evil Counsellors.' The Thunder of the Church had a better Effect on the King than the Barons Threats, and, says our Author, he humbly and meekly answered the Prelates, *That he would do whatsoever they desired*. Accordingly, in a very few Days, he sent *Peter* Bishop of *Winchester* to his See, there to take Care of his Flock, and never more to meddle with State Affairs. *Peter de Rivall* he stript of all his Castles and Wealth which he had unjustly acquired; affirming with an Oath, that if he did not instantly go into Holy Orders, and take a Benefice, he would order both his Eyes to be put out. Moreover, he banished all the Foreigners from his Court, and from all the Castles they were possessed of, into their own Country, commanding them never to see his Face again. And thus, says *Paris*, the King, having dismissed all his evil Counsellors, recalled to their Obedience his natural Subjects, and hoped, by the Advice of the Prelates aforesaid, to restore his harrassed Kingdom to Peace and Tranquillity.

Matters continued in a peaceable State after this but a few Years. In the Year 1236 another select Council of the Bishops and Peers was called to *Merton*, where the King's Marriage with *Eleanor*, second Daughter of *Raymond* Earl of *Provence*, was notified, and some foreign Affairs transacted of no Consequence to our Design.

We called this a select Meeting of the Peers, because, we are told, that it was only composed of the Archbishop of *Canterbury*, the Bishops of his own Province, and

Anno Regni 18.  
1234.  
At Westminster.

Anno Regni 20.  
1236.  
At Merton.

[ 32 ]

King Henry III. and the major Part of the Earls and Barons <sup>c</sup>. It was here, however, that the *Statutes of Merton* were made and enacted, which have ever since been a Part of the Statute-Law of England <sup>d</sup>.

At this Meeting, also, a Message from the Emperor was considered, wherein he requested the King to send him his Brother *Richard*, Earl of *Cornwall*, to make him General against the *French*, whereby the *English* also might recover their Rights. But the Emperor was desired to chuse any other; the Peers giving for Reasons to the Ambassadors, that the Prince was but young, and next Heir to the Crown if the King should die without Children; and therefore it was not proper for them to hazard his Life in such an Enterprize.

Anno Regni 21. But the next Year following, 1237, whilst the King  
1237. and his whole Court kept *Christmas* at *Winchester* <sup>e</sup>, the Royal Writs were sent out, says *Paris*, to every Part of the Kingdom, commanding all and singular Archbishops, Bishops, Abbots, installed Priors, Earls, and Barons <sup>f</sup>, to appear, without Delay, at *Westminster*, on

At Westminster. a Day appointed, there to treat on the urgent Affairs of the Kingdom. Accordingly, an infinite Number of the Nobility, adds our Authority, from all Parts of the Nation came to *London*, imagining some Matters of very great Moment were in Agitation. In *Westminster* Hall they met, in order to know the King's Pleasure, when a certain Priest, called *William de Kele*, a Domestic Chaplain of the King's, a Man very discreet, and learned in the Laws of the Land, and one who was a Sort of Mediator betwixt the King and Peers, stood up, and delivered the King's Will and Purpose in this Manner: 'Our Lord the King, says he, commands me  
[ 33 ] 'to acquaint you, that he will entirely submit himself to  
'your Advice, both in the present Affair and hereafter.  
'Nevertheless, he must inform you, that the People he  
'intrusted with the Management of his Treasury have  
'given in false Accounts of the Receipts. The King, therefore,

<sup>c</sup> Coram Domino Rege Henrico, et coram venerabili Patre Edmundo Cantuariensi Archiepiscopo, Co-Episcopis suis, et coram Majori Parte Comitum et Baronum Nostorum Angliæ. *Annal. Burton*, p. 287.

<sup>d</sup> See *Hazokins's* Edition of the Statutes at large, vol. I. p. 18, &c.

<sup>e</sup> *Scripta Regalia*. M. Paris.

<sup>f</sup> Archiepiscopis, Episcopis, Abbatibus, Prioribus installatis, Comitibus, et Baronibus. *Ibid.*

‘ therefore, finding himself destitute of Money, without King Henry III. which a King is a Cypher, craves Help of you to supply him. In this Manner, however, that what Money you please to collect may be made Use of for the Kingdom’s Service, in a Way that some of you, chosen for that Purpose, may think proper.’ Not one of this Assembly expecting such a Message, it was received with great Discontent. *Alter in alterius jactantes Lumina Vultus*, quoth the Monk out of the old Poet, and said to each other, *Fuderunt Partum Montes, en ridiculus Mus* &c. The Lords answered, with great Indignation, ‘ That he had promised and broken his Word many and many a Time with them; asserting, that it was derogatory to their Honour to suffer a King so easily seduced, who never either repulsed any, or the meanest of the Nation’s Enemies, or even alarmed them; who was so far from enlarging the Bounds of his Kingdom, that he rather straiten’d and subjected it to Foreigners, to extort from them, by the same Arguments, at so many different Times, so much Money, to the great Detriment of his own Subjects, and the Benefit of Strangers.’ The King, finding his Nobles in this Temper, sought to soften them, lest the Discontent should prove more general, by promising, upon his Oath, ‘ Never more to injure or molest them, provided they would kindly grant him, for his present Use, the thirtieth Part of all Moveables throughout the Realm. He said that he had sent a great deal of Money to the Emperor, the most of it out of his own Treasury, for the Marriage of his Sister.’ To this it was loudly answered, ‘ That he did all those Things without the Advice or Consent of his Subjects; nor was it necessary that they should partake of the Punishment, who were no ways guilty of the Crime.’ The Lords, after this, withdrew themselves into a private Place, that they might be more at Liberty to consult together on the Exigency of this Affair and the King’s Demand: But, before they went out, *Gilbert Basset*, a Baron, not careful enough of his Words, adds our Author, said openly to the King, ‘ My Lord the King, send some of your own Friends to go along with the Barons to their Consultation.’ He sat, whilst he said this, very near the King. On the other Hand,

VOL. I.

C

Richard

[ 34 ]

‡ This is a patch’d up Verse of the Monk’s, from *Parturiunt Montes*, &c.



King Henry III. *Richard de Percy*, much moved with this Saying, stood up and answered him, ‘What is it, Friend *Gilbert*, ‘that you say? Do you take us for Foreigners, and not ‘the King’s Friends?’ *Basset* was reprov’d for his rash and indiscreet Advice: Nevertheless, by these Debates, this Meeting was prolonged four Days.

The King confirms *Magna Charta*, which he had cancelled upon his coming of Age.

At length the King again confirm’d to all his Subjects their *Magna Charta*, and swore to keep it inviolable; and because, says *Matthew Paris*, he did not think himself quite free from a Sentence of Excommunication, which *Stephen Langton*, then Archbishop of *Canterbury*, with the rest of the Bishops, had denounced against all Violators of that Charter when it was made; he therefore declared, ‘That if he went about to break this Promise, by any new mischievous Design, he should think himself under the full Weight of the Church’s Sentence.’ By this Declaration, adds he, the Hearts of the whole Audience were in a Moment changed to the King’s Side; and having appointed the Earl of *Warren*, *William Ferrers*, and *John Fitz-Geoffry*, to be of Council to him, he made them swear, ‘That by no Gifts or Reward they would be drawn from the Truth; but that they should at all Times give him such wholesome Counsel as was only conducive to the Good of himself and Kingdom.’ After which the King’s Demand was granted, and the thirtieth Part of all Moveables was levied thro’ the Realm. The Manner how this Tax was gathered, by Officers appointed for that Purpose, may be seen at large in *M. Paris*, to which, for Brevity Sake, we must refer.

[ 35 ]

There are still extant, amongst our Records<sup>b</sup>, some Copies of Writs for calling this Parliament, by which it evidently appears that Boroughs had no Representatives therein: And they sufficiently explain what our Historian has advanced, and specify, at the same Time, the Quality of the particular Members which constituted this Parliament.

It was the Custom of this King, when he wanted Money, to descend to very low and pitiful Ways to obtain it; and when he had got his Wants supplied, to squander the Money away amongst his Favourites with great Profuseness. It must be observed though, by the

Way,

<sup>b</sup> In Bundell, Miscel. Temp. Hen. III. &c. Torre Lond.

Way, that these Demands of Money from the Nobility, <sup>King Henry III.</sup> on the Part of the Crown, were the Ground-work of one principal Point of our Liberties, 'That the Crown cannot levy a Tax on the Subject without the Consent of Parliament.' All Taxes, such as Scutages, Knights Fees, &c. having been raised before this Reign in an arbitrary Manner.

The 14th of *September* in this Year was appointed <sup>Anno Regni 21,</sup> by the King and the Pope's Legate, *Ottoboni*, for a <sup>1237.</sup> Meeting of the Peers at *York*, to treat upon some great <sup>At York,</sup> Affairs that concerned the Kingdom. The King of *Scots* met them there, to make an End of the Difference depending between *Henry* and him. After much Consultation and Debate, it was agreed that the King of *Scots* should have three hundred Pound Lands by the Year in *England*, for which he should do Homage to King *Henry*, but should not build any Castles upon it, and was to quit all Pretences to any farther Claim. We cannot omit a remarkable Answer the *Scots* King made the Legate at this Meeting, though it has been often copied by other Historians. It seems the Legate told the King of *Scots*, 'That he intended to visit his Kingdom, to treat upon Ecclesiastical Affairs there as he did in *England*.' *Alexander* replied, 'That he never remembered a Legate called into his Kingdom, and he thanked God there was no Need of any now; for neither his Father nor any of his Ancestors had suffered any to enter, and as long as he was in his Senses he should also hinder it. Nevertheless, adds he, because you have the Character of a very holy Man, I will give you this Advice, if ever you enter my Kingdom, that you do it very cautiously, lest any Misfortune happen to you. A great many fierce and savage Men inhabit there, that thirst after human Blood, which I myself cannot tame, and if they set once upon you, I cannot prevent them from doing you a Mischief. It is not long since, as you may have heard, that they invaded me and had like to have drove me from my native Kingdom.' The Legate hearing this, says *Paris*, laid aside his covetous Desire of entering *Scotland*, and stuck the closer to the *English* King, whom he found more obsequious.

King Henry III. Henry having quickly got rid of his last Supply, was obliged to use the same Means to gain another. In the very same Year, another Assembly of the Peers was called to meet at *Westminster*, where the King laid before them his Grievances, asserting, by Oath, That his Money was all gone, and that he was scarcely worth a Groat, and therefore demanded the same Supply as the former. After some Disputes and much Murmuring, this Demand also, being the thirtieth Part of all Moveables, was granted. Which Money, says *Paris*, was laid out in the same trifling Way as the former; and, instead of taking the Advice of his Nobles in the Distribution of it, he again squandered it away amongst his Foreigners.

These Weaknesses of the King put his Nobles on some other Means of Redress; and finding his Extortions to have no End, they were resolved to bring him to better Terms by Force. *Richard* Earl of *Cornwall*, the King's Brother, scandalized at his Proceedings, was the first in this League against him. After some Struggles, *Henry* was compelled to submit to such Terms as the Barons required, and Matters remained in a peaceable State betwixt them for some Years <sup>i</sup>.

Anno Regni 26. We meet with no other Convention of the Estates till the Year 1242; when, by the King's Writ, they were all, as before, summoned to appear at *London* <sup>k</sup>, on *Wednesday* before *Candlemas-Day*. The old Animosities were here raised again; the Barons engaged one another, by Oath, not to consent to give any Money at all; and when the King demanded it, they answered him with great Bitterness, 'That such were his Councils, and such his insolent Manner of asking, that they would not do it: That he had fleeced and impoverished his Subjects so very often, drawing his Exactions into Consequences, as if they were the meanest Slaves; and all this Money, which he extorted, had been wasted scandalously; therefore they flatly told the King to his Face, That they would not be so robbed and plundered any more.' The King, says *Paris*, well versed in *Italian* Tricks

<sup>i</sup> In *Rymer's Fæd.* Tom. I. p. 385, is some Account of a Convention of Estates in 1240.

<sup>k</sup> *Totius Angliæ Nobilitas, tam Prelatorum quam Comitum ac Baronum, secundum Regium Preceptum, Londini congregata est.* M. *Paris*.

Tricks and Illusions<sup>1</sup>, commanded them that they should wait to know his Pleasure, on the Morrow, on this and other Matters. But in the mean Time, adds, that he drew them one by one into his Closet secretly, in the Manner that Penitents go to Confession to their Priest, and there, what he could not do with them all together, he strove to gain by fair Speeches to them singly: Promising, amongst the Clergy, this Man an Abbey, another a Priory, and so on, till he found he could make nothing at all of them; for not one of them would recede from the common Answer which they had sworn to stick to. Henry, growing angry at their Obstinacy, said, *What, would you have me perjured? I have sworn by the blessed Sacrament to carry my Arms against the King of France, in order to reclaim my just Rights, and without you grant me an ample Supply I am not able to perform it.* Yet, neither by these or any other Words could he gain upon them, notwithstanding the politic Method he took to bring them over to his Interest.

King Henry III.  
The King closets the Barons one by one, to prevail on them to grant a Supply.

He then thought proper to call before him those of the Barons that were his own Officers at Court, and spoke to them in this Manner: *What a pernicious Example have you set to others? You who are Earls, and Barons, and mighty Men at Arms, ought you, tho' others are intimidated, to tremble like a Set of Bishops and Priests? You ought to be more eager to defend the Rights of the Crown, and, by Deeds of Arms, oppose yourselves against all its Enemies. I called this Assembly to strengthen and defend my Rights, with a sure Expectancy, that they would suffer my Affairs to go on prosperously, after the Example of Wales, where of late we so happily triumphed. And with what Face can you leave me your Sovereign Lord, with the heavy Burthen of State upon me, so poor and desolate; especially when you know my Promise to go abroad, and that I have sworn strictly to perform it?* When the Purport of this Speech was made known to the whole Assembly, they returned the King this Answer: 'Your Majesty gives us great Occasion to wonder into what Gulph you have thrown that vast Quantity of Money, which, by various and cruel Extortions, you have raised, as well from Churches

[ 38 ]

C 3 kept

<sup>1</sup> Romanorum usus versutis Fallacis. M, Paris.



King Henry III. ' kept vacant, as from the Lands of the Nobility;  
 ' creating Horror in the Minds of the Hearers. Be-  
 ' sides, you have called over certain Legates, or those  
 ' that did the Office of Legates, into this Kingdom,  
 ' that, like Gleaners after the Vintage, have plucked  
 ' from us all the Money we had left. It is therefore  
 ' less to be wondered at, that without the Consent, or  
 ' even Advice, of the Nobility of *England*, you have  
 ' involved yourself in such difficult and dangerous Ne-  
 ' gotiations; staking your Faith to those that have none;  
 ' and, despising the Favour or Esteem of your own  
 ' Subjects, you have brought yourself into a very doubt-  
 ' ful State of Fortune. The League that was made  
 ' betwixt the King of *France* and you, and which you  
 ' swore from your Soul to keep inviolably to the End,  
 ' being transacted also by your most Noble Brother  
 ' Earl *Richard* and Earl *Roger Bygot* on your Part, you  
 ' have most dishonestly and scandalously broke.'

These, with some other Matters, being urged home to the King, he fell into a very great Rage, and swore bitterly, *That he would not be hindered of his Design by any Thing they could say or do; but that he intended to begin the War in France, in a very short Space of Time, let the Consequence be what it would.* And thus, says our Authority, this Council was dissolv'd with very great Heart-burnings on both Sides. However, lest this Answer of the Barons to the King should be forgot, or misconstrued, it was thought proper to reduce it into Writing; which, being in the Nature of a PROTEST, is the first of that Kind we meet with in History; we shall therefore give it at Length as follows:

[ 39 ]

The PROTEST  
 of the Bishops,  
 Abbots, Priors,  
 Earls; and Ba-  
 rons, against the  
 King's Demand  
 for Money.

' SINCE, by the King's Command, the Lord Arch-  
 ' bishop of *York*, the rest of the Bishops, Abbots,  
 ' and Priors in *England*, by themselves or Proxies, also  
 ' all the Earls, and most of the Barons of *England*, have  
 ' met at *Westminster*, on the *Wednesday* before the Pu-  
 ' rification of the Blessed *Mary*, in the Year of our  
 ' Lord One Thousand Two Hundred and Forty-two,  
 ' and in the Twenty-sixth of the Reign of *Henry III.* to  
 ' hear the Will and Pleasure of the King, for which he  
 ' summoned them: And the said Lord the King send-  
 ' ing unto them the said Archbishop, with the Noble  
 ' Lord

‘ Lord Earl *Richard*, and Master *Walter* of *York*, Pro- King *Henry III.*  
 ‘ vost of *Beverley*, as his solemn Messengers, to notify  
 ‘ to them the King’s Mind and Business, and to ask the  
 ‘ Advice and Assistance of the Lords in sustaining his  
 ‘ Hereditary Dominions beyond the Sea, that regard  
 ‘ his Kingdom of *England*: Therefore the said Bi-  
 ‘ shops, Abbots, Priors, Earls, and Barons, taking the  
 ‘ King’s Message into their serious Consideration, re-  
 ‘ turned the King, by the same Lords, this Advice,  
 ‘ viz. That the King should wait untill the Truce be-  
 ‘ twixt him and the *French* King was expired; and if  
 ‘ the said King of *France* should chance to enterprize  
 ‘ any Thing against the Form and Tenor of the said  
 ‘ Truce, that then the said King of *England* should  
 ‘ send unto him solemn Messengers to ask Advice, and  
 ‘ to put the said *French* King upon holding the said  
 ‘ Truce, and forbearing those Enterprizes, if they were  
 ‘ made by him or by his Subjects. That if the said  
 ‘ *French* King refused to do this, that then they freely,  
 ‘ to this Advice, would lend all their Aid and Assistance,  
 ‘ which they all unanimously consented to. Likewise,  
 ‘ that since he had been their Sovereign Lord, they had  
 ‘ many Times granted him Supplies; first, the thirtieth  
 ‘ Part of all Moveables, after that the fiftieth, and then  
 ‘ the sixtieth; a fortieth Part on all Carucats and Hides  
 ‘ of Land; many Scutages, and one very great Scutage  
 ‘ for the Marriage of his Sister to the Emperor. After  
 ‘ all this, truly four Years were scarce elapsed, but he  
 ‘ again sought another Aid, and at last, after much  
 ‘ Intreaty, a thirtieth was also granted him; with this  
 ‘ Condition, however, which he ratified by Charter,  
 ‘ That neither this nor any former Exactions should  
 ‘ stand as Precedents for others. Besides this, the King  
 ‘ then granted to them, that all Liberties contained in  
 ‘ *Magna Charta* should, in a more ample Manner, be  
 ‘ held thro’ his Kingdom; and to that End gave them a  
 ‘ smaller Charter in which it is so included. Add to  
 ‘ this, that our said Lord the King, of his own free Will,  
 ‘ and by the Advice of his whole Assembly of Barons<sup>m</sup>,  
 ‘ granted

[ 40 ]

<sup>m</sup> The Word that *M. Paris* makes use of here, and in some other Places, is *Barnagium*, *Concilio totius BARNAGII SUI*; the Editor thereof, Dr. *Watts*, says in his *Glossary*, on this Word, That it is sometimes wrote *Baronagio*, which, says he, every one knows to mean strictly the House of

King Henry III. ' granted to them, that all the Money rising from this  
 ' thirtieth Part should be laid up safely in the King's  
 ' Castles, under the Guardianship of four *English* Noble-  
 ' men, the Earl *Warren* and others, by whose Direction  
 ' and Advice the said Money should be disbursed for the  
 ' Service of the King and Kingdom whenever it was  
 ' necessary. And because the Barons never knew nor  
 ' heard that the said Money was expended by the Advice  
 ' and Consent of the aforesaid Lords, they do verily be-  
 ' lieve that the King is still possessed of that Money,  
 ' and therefore cannot now have Occasion for more.  
 ' They are likewise well acquainted that, since that Time,  
 ' he has had so many Escheats, as that of the Archbi-  
 ' shoprick of *Canterbury*, and other rich Bishopricks of  
 ' *England*, as well as of the Lands of the deceased Earls,  
 ' Barons, and Knights, who held of him; that, even by  
 ' these very Escheats, he ought to have a large Sum of  
 ' Money by him, if it was properly taken Care of. Be-  
 ' sides, from the Time of giving that thirtieth Part, his  
 ' itinerant Justices have not ceased to make their Cir-  
 ' cuits through all Parts of *England*, as well as with  
 ' Pleas of Forest, and with all other Pleas, so that every  
 ' County, Hundred, City, Town, and almost every  
 ' Village in *England*, has been grievously amerced; and  
 ' by these Circuits alone great Sums of Money have  
 ' been collected for the King's Use. From all which  
 ' they can well aver, that the Kingdom is so burdened  
 ' and impoverished, that they have little or nothing left  
 ' for themselves. And because that our Lord the King,  
 ' after the Grant of the last thirtieth Part, never kept  
 ' to his Charter, therefore it more than usually troubled  
 ' them; and since, by another Charter, he granted  
 ' that these Exactions should not be made Precedents,  
 ' therefore they positively made Answer to their said  
 ' Lord the King, that they would not, for the present,  
 ' grant him any Aid. Nevertheless, as they acknow-  
 ' ledged him to be their Sovereign Lord, they should  
 ' be willing to give him the best Advice in their Power,  
 ' if

[ 41 ]

of Lords, or Upper House of Parliament. Whether they are Dukes, Mar-  
 quisses, Earls, Viscounts, Barons; or, also, Bishops, and antiently Abbots  
 and Priors who held their Baronies of the King. This seems a pretty  
 strong Evidence, that the Commons of *England* had no Share in these  
 Assemblies at that Time.

‘ if he would carry himself well towards them to the End King Henry III.  
‘ of the said Truces.’

When the Lords, appointed for that Purpose, had waited upon the King with this Answer to his Demand, they returned to the Assembly, and told them, ‘ That the King desired to know of them, what they propose to do if the *French* King should break the Truce before the Expiration of it? They promised also, on the King’s Part, that if he had injured any particular Baron, that he would make Reparation, as the Lord *Peter* of *Savoy*, and others of his Council, should think fit to advise.’ To this the Lords reply’d, ‘ That if the King of *France* should break the Truce, and would not forbear his Enterprizes, then their Counsel was the same they had given to be done at the End of the Truce, provided they were satisfied of the Truth of these Facts. As to that which related to particular Injuries received from the King, they would not, at that Time, enter into Pleadings with him about them. That, on the Grant of the last Thirtieth, the same Thing was promised on the King’s Part, as well and faithfully, by *William de Kele*; and how well the King had kept his Promises, he himself best knew.’

We shall not stop to make any Observations on these severe Remonstrances of the Barons to their Sovereign; let each Man pass his own Censure. It must be owned, however, that they treated their King very cavalierly in those Days; and the Historian we quote from does not at all mince the Matter in the Recital <sup>n</sup>.

[ 42 ]

In

<sup>n</sup> *Matthew Paris*, a Monk of *St. Alban’s*, was Historiographer to *Henry* the Third, and received an annual Stipend from him; he died in the Year 1259, the 43d of that King; his History was continued to the End of that Reign by one *William Rishanger*, who was also a Monk of that Abby, the King’s Historiographer, and received *Matthew’s* Stipend. It must be owned that these Monks have done great Justice to the History of their own Times, and have neither spared King nor Pope in the Course of it; a Virtue rarely found in the Historiographers of these Days, whether Royal or Ecclesiastical.

But Dr. *Brady* observes, That the old Monk is here guilty of a great Piece of Inconsistency in his Account of this Meeting. He first mentions much ill and harsh Language which was given the King, by the Great Men, Face to Face; and in the Relation that immediately follows this, which *Paris* says was written as a perpetual Memorial of the Barons’ Answer to the King, it appears that they never spoke or had Conference with the King, but heard his Pleasure, and the Business he had with them, from his Commissioners there named. *Brady’s Compleat History*, p. 582.



King Henry III. In the Year 1244, this King summoned another Assembly of the Great Men to meet at *Westminster*; and sitting in State amongst them, in the Refectory of the Abbey, there, says *Paris*, 'With his own Mouth asked a pecuniary Aid from them.' The King's private Intention was to reduce the King of *Scots*; but he openly pretended that having, by their Advice, passed into *Gascogny* the Year before, by that Undertaking he had contracted great Debts, from which he desired them to relieve him. The Barons answered, 'That they would consult about his Proposal.'

Anno Regni 28.  
1244.

At *Westminster*.

The Archbishops, Bishops, Abbots, and Priors, withdrew by themselves to treat of this Affair; and then they asked the Earls and Barons to consent to what they had resolved upon; who answered, That they could do nothing without the whole Community. It was then agreed to by all, that from the Clergy should be chosen this Committee, the Archbishop Elect, *Boniface*, of *Canterbury*; the Bishops of *Winchester*, *William Raleigh*; *Lincoln*, *Robert Grosthead*; and *Worcester*, *Walter de Cantilupe*: On the Part of the Earls, were Earl *Richard*, the King's Brother, Earl *Bygot*, the Earl of *Leicester*, *Simon Montfort*, and the Earl *Mareschal*: Of the Barons Part, *Richard de Montfitchet*, *John de Baliol*, with the Abbots of *Ramsay* and *Bury*. What these twelve should do was to be communicated to the whole, that nothing might be offered to the King which had not the common Assent.

[ 43 ]

Now, because the Charter of Liberties, which the King granted some Time ago, and for which *Edmund*, the Archbishop of *Canterbury*, on Behalf of the King, had sworn to observe, was in no wise kept; and because the Aids that had so often been given before were not used to the Advantage of the King and Kingdom; and, likewise, by Default of the Chancellor, Writs were granted and issued, contrary to Justice; therefore it was desired, 'That such a Chancellor and such a Justice might be chosen, as would fix the State of the Kingdom on its old Basis.' The King, lest he should seem to do any Thing new by Compulsion, would not grant the Petition of the Nobles; but promised, 'That he would amend what he had heard was amiss.' Upon this the Assembly was adjourned for three Weeks; and,

and if in the mean Time the King should, of his own King Henry III. Accord, chuse such Counsellors that would manage the Laws and Rights of the Kingdom to the Satisfaction of the Nobles, then they designed to give him an Aid ; yet so, that it should be expended to the Advantage of the Kingdom, by the Advice of the Committee of Twelve before-mentioned.

When the King saw that he could do nothing with them all together, he tried the Clergy apart again ; and having got the Pope's Letter to them, in which he required, admonished, and exhorted them to give the King a liberal Donation of Money ; their Answer was, ' That ' they were engaged, and could do nothing without the ' common Consent of the Estates concerned with them.' An Answer very memorable, and which has been rarely imitated by the Clergy in succeeding Ages !

This Great Council had contrived a new Kind of Government, which they intended to have offered to, and put upon, the King ; which was, that four of the most potent and discreet Men of the Kingdom should be chosen by common Assent, and sworn of the King's Council, who should transact all Affairs of the King and Kingdom, and should do Justice to all without Respect of Persons. These Men were to follow the King, and two of them, at least, were always to be present with him, that they might hear the Complaints of all Sufferers, and relieve them. The King's Treasury was to be managed by them, and all Aids were to be laid out as they thought necessary for the common Good. They were to be Conservators of the Liberties ; and as they were chosen by common Assent, so they were not to be removed out of their Office but by the same common Assent ; and when one died, another was to be chosen by the three Survivors. Without their Consent the Great Council was not to meet ; but if they should think it convenient or necessary, it was to be convened at their Pleasure.

This Project did not take Effect, because the Counsels of the Clergy were distracted by the Pope's Legate, *Martin*, who came accidentally at that Time with Letters to require a great Sum of Money of them, in order to pay the Debt which had been contracted by his Predecessor, Pope *Gregory*, in the War for the Catholic Faith,

**King Henry III.** Faith, Ecclesiastical Liberties, and the Patrimony of the Church; and he suspended all Men from presenting to Benefices which were thirty Marks annual Value, or upwards.

The King orders the Bishops to excommunicate all such as should violate *Magna Charta*.

The Great Men and Prelates met at *London*, according to the Time of Adjournment, to treat about the Demand of an Aid; where the King again renewed to them, and promised entirely to keep, the Charter of Liberties, which he had sworn to at his Coronation; and gave the Bishops Leave, in their respective Dioceses, to excommunicate himself and all others that should act contrary to its Intent in any Article. Yet, for all this, he could only obtain twenty Shillings of every Knight's Fee, of those who held of the King *in Capite*, towards the Marriage of his eldest Daughter; Half to be paid at *Easter*, and the other Half at *Michaelmas* following.

[ 45 ]

*Henry* met with somewhat worse Treatment from another Assembly of his Barons, called also in this very Year, 1244; when the King, says *Paris*, with great Earnestness, not to say Impudence<sup>n</sup>, demanded a pecuniary Aid of those whom, adds this Author, he had so often injured in this Manner, and laughed at them for it. But this, we find, was as resolutely denied, with one Accord, by the Barons, even to his Face, at a Time, when our Author owns, that the King was going with a very numerous Army to reduce *Wales*; in those Days a very troublesome Neighbour to the *English* Borderers on that Country.

Denied any National Assistance, it is no Wonder that this King became so poor and indigent, as to be obliged to stoop to several Meannesses for supplying his Coffers another Way. *Paris* writes, That he owed so much Money, and to so many People, for even the very Necessaries of Life, that he durst scarce appear in Public for the Clamours of his Creditors<sup>o</sup>.

Anno Regni 30.  
1246.  
At *London*.

In a Parliament held at *London* in the Year 1246, there were some severe Laws made against such as robbed

<sup>n</sup> *Infantissime, ne dicam impudentissime.* M. Paris, sub Anno 1244.

<sup>o</sup> This King's Defence against his sturdy Barons, in relation to their ill Usage of him, was undertaken by Sir Robert Cotton in a small Treatise, called, *A short View of the long Reign of King Henry III.* London, 1642, a Time when Altercations of the same Sort passed betwixt King *Charles* and his Parliament: And yet this same Sir Robert Cotton made a very warm Speech in the first Year of that King's Reign, against the Grievances then complained of.—This Speech will appear under its proper Period,

bed Parks or Warrens. If the Malefactor fled, and was King Henry III. killed in the Pursuit, there was neither Law nor Appeal allowed for his Death. If any Earl, Baron, or Knight complained to the King that his Deer were stolen, an Inquisition was made by the King's Writ; and if he that was indicted was convicted of the same, he was to lie in the King's Prison a Year and a Day, and to pay three Years Value of his Estate, having just sufficient allowed out of it to maintain him; after which the King was to have two Parts, and he that received the Injury one; then the Convict was to find twelve Sureties that he should never do the like again, in Parks, Warrens, or Forests, nor do any other Thing against the King's Peace; of all which his Sureties were to answer for his Body and Transgressions. Also, if any one was taken in a Park or Warren, without the King's Writ of Inquisition, he was to be imprisoned, fined, and to give Sureties as before.

[ 46 ]

But, in this same Year, a most general Parliament <sup>P</sup>, Anno Regni 30. says *Paris*, of the whole Kingdom, met at *London*, according to Summons, about an Ecclesiastical Affair of the utmost Consequence to the Nation. It seems the Pope had been strongly solicited by the King to remove several Grievances which were greatly complained of, and which he had promised to reform. The Substance of these Grievances was as follows <sup>q</sup>:

1246.

At *London*.

1. ' That the Pope, not content with the Payment of *Peter-Pence*, oppressed the Kingdom, by extorting from the Clergy great Contributions, without the King's Consent; against the antient Customs, Liberties, and Rights thereof; and against the Appeal of the Proctors of the Kingdom, in a General Council at *Lyons*.

2. ' The Church and Kingdom were greatly injured, in that the Patrons of Churches could not present fit Persons to them, because they were given by the Pope's Letters to *Italians*, who understood not the *English* Language, and carried all the Money out of the Kingdom, to the great Impoverishment of it.

3. ' The Nation was oppressed by the Pope's Exaction of Pensions from Churches, and by *Italians* succeeding *Italians*.

4. ' The

<sup>p</sup> *Parliamentum generalissimum, viz. Prælatorum, tam Episcoporum quam Abbatum et Priorum, Comitum quoque et Baronum.* M. Paris.

<sup>q</sup> M. Paris, Anno 1246. *Annal. Men. Burton*, p. 307.



King Henry III. 4. 'The *English* were forced to prosecute their Rights, out of the Kingdom, against the Customs and written Laws thereof; and against the Indulgences granted by the Pope's Predecessors to the King and Kingdom of *England*.

5. 'The Church and Kingdom infinitely suffered by reason of the Clause of *non obstante*, which weakened and enervated all Oaths, antient Customs, written Laws, Grants, Statutes, and Privileges. And,

[ 47 ]

6. 'That in the Parishes where the *Italians* were beneficed there were no Alms, no Hospitality, no Preaching, no Divine Service, no Care of Souls, nor any Reparations done to the Parsonage-Houses.'

The King, in Consideration of these Papal Usurpations, had summoned this Parliament; and at the Meeting conferred with the Bishops apart, the Earls and Barons apart, and the Abbots and Priors apart, in order to find out their Sentiments, and the properest Way to get these Grievances removed. The Result of all was to try the mildest Way with the Holy Father; and it was agreed that the King should write singly to him, the Bishops by themselves, the Earls and Barons by themselves, and the Abbots and Priors by themselves. All which Letters are preserved by *M. Paris*, and, by their humble and submissive Stile, evidently shew that the Fear of the *Vatican* Thunder, Bulls, Interdicts, &c. was terrible in those Days. Notwithstanding these reasonable Remonstrances to the See of *Rome*, we do not find that they produced any Effect, for the Grievances complain'd of continued through the Course of this whole Reign.

Anno Regni 32. In the Year 1248 was called, by the King's Writ, 1248. another Assembly of the Nobles to meet at *London*, in order, says our Author, to treat of the Affairs of the Kingdom, at that Time sadly disturbed and much impoverished. There came to this Meeting, besides the Barons,

\* The Preamble to the Barons' Letter runs thus: *Sanctissimo Patri in Christo carissimo, J. Dei Gratia universalis Ecclesie summo Pontifici, devoti Filii Richardus Comes Cornubiæ, Simo de Monteforti Comes Leycestriæ, Willielmus de Ferrariis Comes Derbeie, Humphredus de Bohun Comes Herefordiæ et Essexiæ, Rogerus de Bigot Comes Norfolkiæ, Richardus Comes Gloucestriæ et Hertfordiæ, Richardus Comes Winton, Willielmus Comes Albemariæ, Henricus Comes Oxoniæ, et alii totius Angliæ Barones, Proceres, et Magnates, ac Nobiles, Portuum Maris Habitatores, necnon et Clerus et Populus, Salutem.* *M. Paris, Annal, Burton,*

Barons, Knights, Noblemen, Abbots, Priors, and a King Henry III. great Body of the Clergy, nine Bishops; also Earl Richard the King's Brother, the Earls of Gloucester, Leicester, Winchester, Hertford, Roger Bygot Earl Marchal, the Earl of Oxford; likewise the Earls of Lincoln, Ferrers, Warren, and Peter of Savoy, Earl of Richmond.

Boniface, Archbishop of Canterbury, was not at this Meeting, he being engaged at that Time abroad in some Affairs with the Pope. The old Demand, the Want of Money, was urged again at this Time, and the same Murmurings began on the Part of the Barons against it. They said, ' They admired the King did not blush at making such a Demand of them; because he had given them his Charter, when the last Demand was granted, to which the Lords scarcely consented, that he would not again load his Subjects with such Exactions: That he was greatly to blame for his indiscreet calling over of Foreigners, on whom all the good Things of the Kingdom were scandalously and prodigally wasted: That even the Daughters of the Nobility were, by his Means, married to ignoble Strangers, without their mutual Consent, which is the Cement of Matrimony; and his own natural-born Subjects set aside and despised. He was blamed also, and not undeservedly, says Paris, that whatever in Eatables, Drinkables, or even in his Robes, but particularly in Wines, that he used, his Custom was to take them by Force from the lawful Owners and Venders of them; by these Means greatly injuring his own Subjects, as well as foreign Merchants who brought Goods into this Kingdom. And thus Trade, by which Nations enrich each other, would be ruined: That the Nation was scandalized and impoverished, the Merchants got nothing from the King but Law-Suits, or some mean Trifle in Return, whence Thousands of terrible Curses are called down on him, to the Danger and Disgrace of the whole Kingdom. Moreover, that, in order to get greater Gifts and Premiums from these Merchants, he had seized upon their Wax, Silks, and other Merchandize, in order to make them pay for the Return; to the Dishonour of himself and the whole Kingdom; not without grievous Offence to God. That, in all these

[ 48 ]

• A remarkable Notion of the Advantage of Trade even in those Days!

King Henry III. ' these Things, he so tyrannized, and studied to be cruel,  
 ' that even the poor Fishermen on the Sea-Coasts, who  
 ' take Herrings, or other Fish, were not permitted to  
 ' dispose of them according as they liked, nor dare the  
 ' Inhabitants of the Towns on the Sea-Coasts purchase  
 [ 49 ] ' them ; but the poor Men thought it safer to put to Sea  
 ' with them, even in stormy Wheather, in order to dis-  
 ' pose of them in foreign Markets. That these miserable  
 ' Traders were so cruelly treated by the King's Collectors,  
 ' that Punishment was added to Loss ; for after receiving  
 ' Injury upon Injury in their proper Persons, their Carts  
 ' and Horses were taken away from them, and driven  
 ' into secret Places. That he kept in his Hands several  
 ' rich Bishopricks and Abbacies, founded by their pious  
 ' and noble Progenitors, and made himself both Guar-  
 ' dian and Governor of them, to their utter Destruction ;  
 ' contrary to the solemn Oath which he, principally,  
 ' swore at his Coronation. Lastly, the King was very  
 ' much blamed, by all and singular the Complainers,  
 ' that he had neither Chief Justice, Chancellor, nor  
 ' Treasurer in his Council, as he ought to have, and as  
 ' his most Noble Predecessors had before him ; but those  
 ' Officers he had were allowed to do their own Will and  
 ' Pleasure, provided he gained thereby ; not promoting  
 ' the Public Good, but seeking only their own Prefer-  
 ' ment, being suffered to get as much Money as they  
 ' could, provided his Customs and Rents were but first  
 ' paid.'

The King, when he heard all this, was much con-  
 founded within himself, and ashamed, says *Paris*, be-  
 cause he knew it all to be very true. He promised,  
 therefore, ' That, certainly and truly, all these Faults  
 ' should be amended ;' hoping by this Humility, tho'  
 it was feigned, to bend their Hearts to the granting his  
 Demand more easily. But the Barons, more exasperated  
 at this seeming Complaisance, answered again, ' All this  
 ' will be made manifest in a little Time ; we have  
 ' waited hitherto patiently, and as our King carries to  
 ' us, so we in all Things will behave towards him.'  
 Thus, adds our Author, Matters were delayed and  
 postponed, from *Candlemas*, when this Convention met,  
 to the Feast of St. *John Baptist*, to which Time they  
 were prorogued.

In

In the mean while the King, either of his own Head, King Henry III.  
 or by the Advice of his Courtiers, who could not bear  
 the least Retrenchment of the Prerogative, became more  
 hardened and more exasperated against his Barons; so  
 that the aforesaid Grievances still remained unredress'd.

[ 50 ]

Anno Regni 32.  
 1248.  
 At London.

At the Day appointed all the Nobility met again at  
 London, and were received by the King with the follow-  
 ing Speech :

My Lords and Peers of England,

**Y**OU are all of you willing, I find, to have my Mind The King's re-  
 bent to your own Wills, and have not treated your solute Speech  
 King at all civilly in this Matter. You would have against the Re-  
 me submit to your Pleasure, and yield to any Terms that monstrances of  
 you think fit to offer. By this you impose a very slavish the Barons  
 Condition on me, and deny me that Liberty and Authority  
 which every Master exercises in his own Family. For,  
 surely, every Master of a Family may use whose and what  
 Counsel he pleases; and, in his own House, put in or put  
 out what Officers he thinks fit; yet all this you presume to  
 deny to your Lord and King. As Servants, therefore, ought  
 not to judge or impose any Difficulties on their Masters, so  
 neither should Vassals any on their Prince. The Servant  
 is not above his Lord, nor the Disciple above his Master;  
 and what is your King more than your Servant, if he is to  
 obey your Commands? Therefore my Resolution is, neither  
 to remove the Chancellor, Justiciary, nor the Treasurer, at  
 your Pleasure; nor will I appoint any other. I expect a  
 sufficient Aid of Money from you for the Defence and Re-  
 covery of my Rights beyond Sea, in which you are also  
 equally concerned.

To this smart Speech from the Throne, the Barons  
 unanimously returned this short Answer, ' That they  
 ' would no longer impoverish themselves, to enrich  
 ' Foreigners, as they had formerly done, when they  
 ' gave Money for the King's Expedition into Gascoigny  
 ' and Poitou.' And thus this Parliament was dissolved  
 without any Satisfaction either to their Sovereign or  
 themselves: But the King was hereby reduced to so  
 great a Necessity, that he was obliged to expose to Sale  
 his Jewels, Plate, and other rich Utensils of his House;  
 which Vessels, though they were curiously wrought and  
 Vol. I. D gilded,



King Henry III. gilded, were not sold according to their Value, but Weight. The King had the Curiosity, says *Paris*, to inquire who could buy those rich Vessels; he was answered, they were sold at *London*; Yes, says the King, [ 51 ] *I know very well, that if the Riches of Octavius Cæsar were to be sold, the City of London is able to buy it all: Those London Clowns, who call themselves Barons, adds he, are so full of Riches, that they are glutted with them; that City is an inexhaustible Spring of Wealth.* Upon this Occasion, says our Author, the King took it into his Head to fleece them, which he afterwards did most effectually.

It was three Years after this before the King thought fit to call another Parliament. We may stile it now a great Parliament, because our Author, *Matthew Paris*, calls it here so, for the very first Time<sup>t</sup>. From whence we may reasonably conclude, that this Word *Parliament*, of Norman Extraction, was then come into Use. And, indeed, if this Appellation is derived, as the Lord *Coke* says, from *speaking one's Mind*, it could not be applied to any Period of Time, or to any Reign, more properly than to This we are now treating of.

Anno Regni 35.  
1251.  
At London. In March, 1251, a great Parliament was held at *London*, in which *Henry de Bath*, Chief Justice of *England*, was called upon to answer to several Crimes and Misdemeanors alledged against him. The King himself was his Prosecutor, and therefore his Adversaries loaded him the heavier. The King was very angry with the Justice, that he came thither, as it were, guarded by a great Number of armed Men of his Wife's Kindred and his own, as well as all his Servants; he accused him more highly than the rest, laying to his Charge, amongst other Things, *That he was a Disturber of the whole Kingdom, by exasperating all his Barons against him, from which a general Sedition might be expected.* Therefore the King caused it to be proclaimed by the common Cryer at *London*, and in Court, that if any Person had any Cause of Action, or Complaint, against *Henry de Bath*, they should come into Court before the King's Presence, and there they should be fully heard. [ 52 ] By these Means many Complaints were urged against him; and one of his own Brother Justices openly protest-

<sup>t</sup> Eodem Anno, scil. 1251, habitum est Parliamentum magnum Londini. M. Paris.

ed, That he suffer'd a very great Villain, imprison'd and King *Henry III.*  
convict, to escape unpunished, having received several  
very rich Gifts for that Purpose; an Offence of very great  
Prejudice to the King's Authority, and no small Danger  
and Scandal to the rest of the Justices his Brethren.  
Upon which, says *Paris*, the King being much provoked,  
mounted up on High, and called out with a loud Voice,  
*That if any Man whatsoever will kill Henry de Bath, he shall be acquitted of his Death, and I pronounce him acquitted accordingly;* and then the King  
withdrew hastily. There were many present, adds *Paris*,  
that would have done this Lord of *Bath's* Business for  
him soon, had not the Lord *John Mansel* interposed, and  
prudently check'd their Fury. 'My Lords and Friends,  
' says he, I am not against prosecuting him, but it is  
' not necessary at all to be thus in Anger; perhaps our  
' Lord the King, by this Time, repents his thundering  
' out this rash Expression: Besides, if you lay violent  
' Hands on *Henry*, behold the Bishop of *London* will  
' excommunicate you, and his Military Friends may  
' revenge his Death.' Thus, in a great Measure, their  
Fury was appeased; and Earl *Richard*, with the afore-  
said Bishop, taking up the Matter, Things were carried  
with more Moderation against him. The King being  
afterwards privately informed, that there might be some  
Gain in the Case, and a certain Sum of Money being  
promised, the Prisoner was released both from Death  
and Bondage; and in a very short Time after, on the  
Payment of 2000 Marks, was reconciled to the King,  
and entered again into his Office, as if nothing had  
happened.

It does not appear that any Demand of Money was  
made, or any other Business done at this Parliament.

In another great Convention of the Estates of the Anno Regni 36.  
1252.  
Realm, which met, by Summons, at *Westminster*, at  
the latter End of the Year 1252, and continued, by  
Adjournment, till after *Easter*, in the Year following, At Westminster.  
the Exactions of the Pope on the Clergy of *England*  
was the great Subject of Complaint; in regard that, be-  
sides his other Claims, he had now demanded a Tenth  
of all the Goods of the Clergy for his own Use. The  
History we quote from does not mention what was  
done to alleviate this Complaint; and only adds that, at  
D 2 the

King Henry III. the next Meeting, by Adjournment, a Curse was denounced, in the most solemn Manner, by the Archbishop of Canterbury, and thirteen other Bishops, in Pontificalibus, against all and singular Persons that sought to infringe the Liberties of Holy Church, and those of the Great Charters. This Ceremony was performed before the King in the Great Hall at Westminster; the Form of the Sentence, or *Anathema*, itself is preserv'd in the *Annals of Burton*, and in one or two more of our old Historians, under this Year; and, no doubt, was a terrible Piece of Church Thunder in those Days.

A solemn Excommunication pronounced by the Bishops in Parliament against such as violate the Great Charters,

The

u We shall give it in its own Language as follows :

*Anno Gratiae M.CC.LIII. tertio Idus Maii, in majori Aula Regia Westmonasterii, sub Præsentia & Assensu Domini H. Dei Gratia Regis Angliæ illustris, & Dominorum R. Comitis Cornubiæ Fratris sui, R. Comitis Norfochiæ & Suthfochiæ, Marefcalli Angliæ, H. Comitis Hereford, H. Comitis Oxoniæ, J. Comitis Warren, & aliorum Optimatum Regni Angliæ, nos B. divina Miseratione Cantuariensis Archiepiscopus totius Angliæ Primas, F. Londoniensis, H. Elyensis, R. Lincolnienfis, W. Wigornensis, W. Norwicensis, P. Herefordensis, W. Saresbyrienfis, W. Dunelmensis, R. Exoniensis, S. Carleolensis, W. Bathoniensis, L. Rossensis, Th. Menevensis Episcopi, Pontificalibus induti, Candelis accensis, in Transgressores Libertatum Ecclesiasticarum, & Libertatum, seu liberarum Consuetudinum Regni Angliæ, & præcipue earum quæ continentur in Charta communium Libertatum Regni et Charta de Foresta, Excommunicationis Sententiam solemniter tulimus sub hac Forma :*

‘Auctoritate Dei omnipotentis, Patris & Filii, & Spiritus sancti, & gloriose Dei Genitricis semperque Virginis Mariæ; beatorum Apostolorum Petri & Pauli, omniumque Apostolorum; beati Thomæ Archiepiscopi & Martyris, omniumque Martyrum; beati Edwardi Regis Angliæ, omniumque Confessorum atque Virginum, omniumque sanctorum Dei, Excommunicamus, Anathematizamus, & a Liminibus sancti Matris Ecclesiæ sequestramus omnes illos qui amodo scienter & malitiose Ecclesias privaverint vel spoliaverint suo Jure: Item omnes illos qui Ecclesiasticas Libertates, vel antiquas Regni Consuetudines approbatas, & præcipue Libertates & liberas Consuetudines, quæ in Chartis communium Libertatum & de Foresta continentur, concessis a Domino Rege Archiepiscopis, Episcopis, & ceteris Angliæ Prælatiis, Comitibus, Baronibus, Militibus, & libere Tenentibus, quacumque Arte vel Ingenio violaverint, infregerint, diminuerint, seu mutaverint, clam vel palam, Facto, Verbo, vel Consilio, contra illas vel earum aliquam in quocumque Article temere veniendo. Item omnes illos qui contra illas vel earum aliquam Statuta ediderint vel edita servaverint, Consuetudines introduxerint vel servaverint introductas, Scriptores Statutorum, necnon Consiliarios, & Executores, & qui secundum ea præsumserint judicare. Qui omnes & singuli Superius memorati hanc Sententiam incursum se noverint ipso Facto, qui Scienter aliquid commiserint de prædictis: Qui vero Ignoranter; nisi commoniti, infra quindenam a Tempore Commonitionis se correxerint, & Arbitrio Ordinariorum plene satisfecerint de Commisissis, ex nunc sint hac Sententia involuti. Eadem etiam Sententia innodamus omnes illos qui Pacem Regis & Regni præsumserint perturbare.’

*In cujus Rei Memoriam sempiternam Nos Signa nostra præsentibus duximus apponenda,*

M,

The next Year King *Henry* went with an Army into *King Henry III.*  
*Gascoigny*, and there recovered what had been taken  
 from him in that Country. During the King's Absence, [ 54 ]  
 in the Year 1254, another Parliament was held in *Anno Regni 38.*  
*London*, but it does not appear how summon'd, to which 1254.  
 came, as special Messengers from the King, these Noble-  
 men, the Earl Mareschal *Roger Bygot*, and *Gilbert de*  
*Segrave*: There were present at this Meeting the Queen,  
*Richard* Earl of *Cornwall* the King's Brother, the Earl  
 of *Winchester*, and all the Bishops of *England*, except  
 the two Archbishops, and the Bishops of *Durham* and  
*Bath*, who were with the King in *Gascoigny*. The As-  
 sembly being all met, the King's Prolocutor and Messen-  
 ger rose up and said,

My Lords and Friends,

*I*N whose Breast the King, our Master, places his Con- The Lords Com-  
 fidence, nor hath he any other Refuge to fly to but to missioners Speech  
 his faithful Subjects. You all know very well how he has in the King's  
 exposed himself, with Courage and Constancy, to the Dan- Name for an Aid.  
 gers of the Sea, and to the uncertain Fate of War, for  
 the Good of his Kingdom. He found abroad the Enemy  
 very formidable and strong against him; some Part of  
 them he has already subdued, and the rest he hopes to con-  
 quer. The King of *Castile*, whom he expected to have  
 found his very good Friend, as well as Kinsman, was his  
 bitterest Enemy, and proved very unfaithful to him; to  
 whom the *Gascoigners* were greatly inclined, and would  
 rather have a Spaniard for their King, than their own  
 natural Lord; therefore the King, being in a great Strait,  
 demands from you a powerful and sufficient Aid to assist him.

Some of the King's Messengers brought also with  
 them, as Proofs of the King's Danger, Javelins of  
 a monstrous Size, called Quarrels, which were thrown  
 from Cross-Bows; the Arches of these Bows were pro-  
 portionably made of small Timbers put together, and the  
 D 3 Hafts

*M. Paris* relates, That at the End of this Sentence, when the Pralates  
 cast down their Tapers, extinguished and smoking, with this Execration,  
 'So may all that incur this Sentence be extinguished and stink in Hell;'  
 the King immediately subjoined, So help me God, I will keep all these  
 'Things inviolate, as I am a Man, as I am a Christian, as I am a Knight,  
 'as I am a King crowned and anointed.'



King Henry III. Hafts of the Spears, says our Author, alluding to that of *Goliath*, like a Weaver's Beam. Earl *Richard*, that he might set an Example to the rest, first answered, and testified his Steadiness, says *Paris*, very heartily in this memorable Saying, 'I, that am more powerful and more obliged than the rest of you, will assist my Lord and Brother as much as I can, and therefore I will keep, at my own Expence, 300 Soldiers, by the Year, to fight for him.' The Earl of *Gloucester* promised also an Aid to the King according to his Power; adding, 'That he would in no wise help the King to conquer Countries, but would assist him against the King of *Castile* if he assaulted him.' In this Manner also Earl *Richard* couched his Promise, saying, 'If Things really be as they are reported.' At these Words the whole Assembly took Fire, and discovering the Snare that was laid for them, cried out, 'Oh! What mean Arts and specious Pretences do our Superiors make Use of to deceive us? Hath not the King called the Queen and his eldest Son and Heir both weak and cowardly, because they do not come to him? which by no Means they ought to do, if the King of *Castile* and he are at such Variance; he ought rather, if he had them with him, to send them back into *England* as a Place of Safety. Has he not spoke lately of an extraordinary Marriage to be contracted between them? All he speaks is a flat Contradiction.' Thus the King made himself appear faithless to all the Assembly, which immediately broke up without doing any Thing, and Earl *Richard* sent an Account of it to his Brother <sup>m</sup>.

Anno Regni 38.

1254.

At London,

Not long after this, and in the same Year, another Assembly of the Nobles was called to meet at *London*; the Writs sent to the Sheriffs are still extant <sup>n</sup>, directing them to return two legal and discreet Knights, chosen by the rest in each County, to act in Behalf of them all, in order to consult with all the other Knights of Shires summoned also to appear before the King's Council at *Westminster*, and to provide such an Aid as they should be willing to grant to the King in his urgent Necessity. The King, under his Royal Signet, sent an Account to this

<sup>m</sup> A Copy of the Earl's Letter to the King is preserved in the *Addimenta* of *M. Paris*.

<sup>n</sup> Claus. 38 H. III. m. 12. d. m. 7. d. m. 13. d. &c.

this Parliament of his extreme Want of Money, in or- King Henry III.  
 der, as he said, to enable him to withstand the Force of  
 a very great Enemy coming against him. To this he  
 was answered by all and singular, says *Paris*, ' That [ 56 ]  
 ' they had waited now full three Weeks in *London*, in  
 ' Expectation of seeing Earl *Richard*, and the rest of the  
 ' Nobles who were gone over to the King into *Gascoigny*;  
 ' and that they were so often grieved with these Exac-  
 ' tions, that they could not live under them : That they  
 ' would not refuse to go to the King's Assistance in Per-  
 ' son, if they were better assured that the King of *Castile*  
 ' was coming against him as an Enemy; tho' they could  
 ' not but wonder, that when *Simon* Earl of *Leicester*  
 ' went into *Gascoigny* and subdued a great Party of Re-  
 ' bels, that the same King of *Castile* did not at that Time  
 ' assist them, in Opposition to the Interest of *England*.'

With these and many more such Reasons as were  
 urged in the last Parliament, as well as being told the  
 real Truth by *Simon* Earl of *Leicester*, who was then  
 come back from abroad, the Nobles, says *Paris*, escap'd  
 the Snare laid for them. This subtle Vapour, adds he,  
 was said to arise from the stinking sulphurous Spring of  
*Poitevin* Counsels; and the Nobles, with great Indigna-  
 tion, tho' very sorrowful at these Proceedings, retired.

It appears, by the Course of this History, that the  
 Barons were right in their Conjectures about the King  
 of *Castile*, and that he was no such dangerous Enemy as  
*Henry* represented; for, very soon after this last Meeting,  
 a Marriage was actually consummated betwixt Prince  
*Edward*, the King of *England*'s eldest Son, and the  
 Princess *Eleanor*, Sister to this *Alphonfus* King of *Castile*,  
 &c. The *Spanish* King gave up all Title whatsoever  
 that he had to *Gascoigny*; and *Henry* settled that Pro-  
 vince, with all *Ireland* and *Wales*, &c. upon his Son  
 Prince *Edward* on the Marriage.

In the succeeding Year, 1255, about *Easter*, soon after Anno Regni 39.  
 the King's Return from abroad, another Parliament was 1255.  
 called to meet at *London*. *Paris* writes, that there never  
 was seen such a Number of the Nobility, both Ecclesi-  
 astics and Seculars, as were met together at that Time.  
 The King acquainted them with the great Debts he had  
 contracted, and that without their Assistance he could  
 not

At *London*,

King Henry III. not discharge them, and therefore, with much Earnestness, demanded a pecuniary Aid for that Purpose °.

[ 57 ] This Parliament proved full as resolute against the King as any of the former. They began with recounting old Grievances; and withall demanded that the Chief Justice, Chancellor, and Treasurer, might be chosen by the Common Council of the Kingdom, as had been justly and antiently used; and likewise that they might not be removed but for the most apparent Crimes, and by the Deliberation and Consent of the whole Kingdom, Concluding with this extraordinary Expression, ‘ That they should never be able to bind their *Proteus* of a King, without he granted all that they demanded.’ But this the King resolutely refused; on which the Barons declared that Business should be deferred untill the *Michaelmas* following; and this Council adjourned themselves to that Time.

Anno Regni 39. The same Year, on the Feast of *St. Luke*, the Nobility of the Kingdom met again, by Adjournment, at 1255. *Westminster*. Here the King first attacked his Brother At *Westminster*. *Richard*, Earl of *Cornwall*, and earnestly pressed him to give him an Aid of Money; to whom the Pope also had wrote, requiring him to lend his Brother 40,000, (without saying whether Pounds or Marks) that he might set a pious Example to others. But *Richard* regarding his Money more than either his Brother’s Wants or the Pope’s Letters, and being vexed at him for going into *Apulia*, wheedled thither by *Italian* Artifices, without the Consent of him or his Baronage, fairly refused him the Loan <sup>p</sup>. And when the King moved the Matter to the rest, they replied, ‘ That, at that Time, all had not been summoned according to the Tenor of their Great Charter, and therefore they would then make no Answer, or grant any Aid without the rest of the Peers.’ This Parliament, says the Monk, by many fictitious Delays, was continued a Month, whilst the Nobles were emptying their Purses at *London*; and then returned home without doing any Business.

[ 58 ]

In

° The *Annals* of *Burton* call the Aid that the King demanded at this Meeting *HORNGELTH*; which *Skinner* defines *Tributum olim pro cornutis Animalibus in Regis Saltu pastis pendit solitum; ab A. S. HORN Cornu, et GILD Solutio*. *Skinner’s Etymolog.*

<sup>p</sup> *Matt. Paris* relates, that this Earl’s Treasure was so great, that he could spend 100 Marks every Day for ten Years together.

In the Year 1257 another Parliament was called to King Henry III. meet at *Westminster*, about *Easter*, in order to treat of the Business of *Apulia* <sup>q</sup>. To this Meeting, says *Paris*, Anno Regni 41. 1257. came such a Multitude of Persons, of all Sorts, that *London* scarce could contain them. It seems that the Crown of *Sicily*, and small Territory of *Apulia*, in *Italy*, had been offered to Prince *Edmund*, the King's second Son, by the Pope the Year before, provided the King would recover *Sicily* from the Hands it was then in. This had been refused by the States, as a foreign Country not worth the Trouble and Expence of recovering <sup>r</sup>; and *Apulia* now was rejected in the same Manner, though the King came in Person to this Parliament with his Son *Edmund*, clad in an *Apulian*, or *Italian* Habit, says *Paris*, in order to induce their Compliance. In this Parliament *Richard* Earl of *Cornwall*, the King's Brother, took Leave of the Peers, and soon after set out for *Germany* to be crowned King of the *Romans*; to which Dignity he had been elected some Time before. At *Westminster*.

The Year following, 1258, and about the same Time, Anno Regni 42. 1258. a Parliament was again summoned to meet at *London*. The King was pressed by the Pope on the Subject of *Apulia*, for it seems he had sent a Kind of a Legate to demand the Money which, upon the King's Request, he had obliged himself to pay to the Merchants for that Business. The King demanded a very large Sum to clear himself of this Matter, which the Barons stiffly denied to assist him with: And in this Parliament there arose great Heats and Contentions between the King and the Barons, who made great Complaints against him. They said that he slighted the Keys <sup>s</sup> and Power of the Church, and did not observe the Tenor of his Great Charter; that he had raised to Dignities and Riches his Half Brothers, against Law and Right, as if they had been the natural People of the Land, and would not suffer any Writ to issue out of Chancery against them: That although the Pride of his Brothers and

[ 59 ]

<sup>q</sup> *Apulia* is a District in *Italy*, now call'd *Puglia*.

<sup>r</sup> The Reasons of the Peers for rejecting this Proposal are drawn up by Dr. Brady, in his complete History of *England*, Vol. 1. p. 616, from the *Annals* of *Burton*.

<sup>s</sup> The Anathema, denounc'd in Parliament against the Violators of *MAGNA CHARTA*, [See before p. 52, 53.] was confirmed by the Bull of Pope *Innocent IV.* the Year following. *Annals* of *Burton*, p. 331.



King Henry III. 'and other *Poitevins* was intolerable, yet *William de Valence* exceeded them all,' *Simon Montfort*, Earl of *Leicester*, taking Advantage of these Disputes, complained aloud, not to the King, but to the whole Assembly, 'Calling for Justice; and charged the King with promoting and enriching Strangers, despising and wasting his own People, to the Subversion of the whole Kingdom; by which Means he became unable to repel the Injuries of so inconsiderable a People as the *Welsh*.'

At this Parliament it was that the King, coming into the House, found all his Barons in Armour, and with Swords by their Sides. They laid them by, indeed, when he entered; but the King being much surprized at this strange Sight, asked them, with some Emotion, what they meant by it, and if he was their Prisoner? *Roger Bygot*, a Man of great Warmth and Insolence, answered, No; but that they were determin'd to have all *Poitevins* and Strangers banished out of the Kingdom: Upon which great Heats and Debates arose, and continued for some Time, when the Parliament was adjourned to be holden at *Oxford* on the Feast of St. *Barnabas* following: But, before the Adjournment, the Barons promised the King, 'That if he would reform the State of the Kingdom, according to their Advice, and the Pope would make the Conditions about the Affair of *Sicily*, &c. more easy, so that it might be prosecuted with Effect, they would then endeavour to procure him a common Aid, or Tax, for that Purpose.' The King agreed so far, that, before *Christmas* next coming, the State of the Kingdom should be rectified by them and the Pope's Legate, if in *England*; and, for the Performance of what should be ordained, he put himself into the Pope's Power, so as he might compel him to it, which Way he pleased, by Ecclesiastical Censure; and to this he made his Son *Edward* swear that he would observe and keep what he had granted.

At the same Time he likewise granted to the Barons, that the State of the Kingdom should be rectified and reformed, by twelve faithful Persons of his Council then chosen, and twelve others to be chosen by the Barons, who should meet at *Oxford*, a Month after *Whitsunday* next coming, to do every Thing that they should see fit

to the Honour of God and the Good of the Kingdom. King Henry III.

[ 60 ]

The King promised inviolably to observe whatsoever should be ordained by those Twenty-four, or the Majority of them, under such Security as they should direct. He made his Son *Edward* swear also to these Articles, and that he would inviolably keep and observe them; whereupon, says *Paris*, the Earls and Barons, on their Parts, promised to endeavour that the Parliament should grant him an Aid<sup>t</sup>.

These Twenty-four had Power to elect four that were to chuse the King's Council, which was to redress and amend all Matters appertaining to the King and his Kingdom; and the Council, or the greater Part of it, was to chuse one or more in the Place of such as should make Default, &c.<sup>u</sup>.

On the Feast of St. *Barnabas* all the Great Men and Nobles arrived at *Oxford*, according to their Adjournment, but came attended by all such as owed them Military Service, which made it seem as if they expected some extraordinary Enemy to deal with. They sought to cover this Proceeding, however, by saying, That they came thus armed, in order, afterwards, to go and attack the King's Enemies the *Welsh*: But their true Reason was for Fear of the King's Half Brothers and the *Poitevins* drawing them into a Snare. However, Matters went better than they imagined, for, in this Parliament, all the Elections mentioned before were made; and the Twenty-four chosen to amend and reform the Kingdom were, first, these<sup>w</sup>:

For the KING.

1. The Bishop of *London*.
2. The Bishop Elect of *Winchester*.
3. *Henry*, the King's Nephew.
4. *John* Earl of *Warren*.

For the BARONS.

1. The Bishop of *Worcester*.
2. *Simon Montfort*, Earl of *Leicester*.
3. *Richard* Earl of *Gloucester*.
5. *Guida*

<sup>t</sup> The King's Declaration, that he would submit to such Regulations in the State as twenty-four of the Barons should agree upon, is printed in *Rimmer's Fæd.* Vol. I. p. 655.

<sup>u</sup> A Copy of this original Agreement in *French*, is printed in *Dr. Brady's Appendix*, Vol. I. No. 190.

<sup>w</sup> The following Lists, &c. are preserved in the *Annals of Burton*; *Inter Hist. Ang. Script.* V. Fol. Oxon, 1684; and copied from thence by *Dr. Brady*.

King Henry III.

[ 61 ]

For the KING.

5. *Guido de Lusignan.*
6. *William de Valence.*
7. *John Earl of Warwick.*
8. *Lord John Mansel.*
9. *Friar John de Derlington.*
10. *The Abbot of Westminster.*
11. *Henry de Wengham, Dean of St. Martin's, London.*

The 12th omitted; but supposed to be either the Abp. of *Canterbury*, *Peter of Savoy*, or *James Audley*.

For the BARONS.

4. *Humphrey Earl of Hereford.*
5. *Roger Earl of Norfolk, and Earl Mareschal.*
6. *Lord Roger Mortimer.*
7. *Lord John Fitz-Geoffry.*
8. *Hugh Bygot, Brother to the Earl Mareschal.*
9. *Lord Richard de Gray.*
10. *Lord William Bar-dolph.*
11. *Lord Peter Montfort.*
12. *Lord Hugh Despenfer.*

The Earl of *Warwick.*  
*John Mansel.*

*Roger Earl Mareschal.*  
*Hugh Bygot, his Brother.*

These four named the King's Council, who were fifteen in Number.

- |   |  |
|---|--|
| 1. The Abp. of <i>Canterbury.</i>           | 8. The Earl of <i>Warwick.</i>           |
| 2. The Bishop of <i>Worcester.</i>          | 9. The Earl of <i>Hereford.</i>          |
| 3. The Earl of <i>Leicester.</i>            | 10. <i>John Mansel.</i>                  |
| 4. The Earl of <i>Gloucester.</i>           | 11. <i>John Fitz-Geoffry.</i>            |
| 5. The Earl Mareschal.                      | 12. <i>Peter Montfort.</i>               |
| 6. <i>Peter of Savoy, Earl of Richmond.</i> | 13. <i>Richard de Gray.</i>              |
| 7. The Earl of <i>Albemarle.</i>            | 14. <i>Roger Mortimer.</i>               |
|   | 15. <i>James Audley, or Aldithelege.</i> |

The Noblemen that composed the Grand Committee of Twenty-four demanded of the King,

[ 62 ]

‘ *First*, His Confirmation of the Charter granted by King *John*, his Father.

‘ *Secondly*, They requir'd such a Justiciary to be constituted as would do Justice to such as suffer'd Wrong, as well to the Poor as the Rich.

‘ *Thirdly*, That they should chuse the Judges, Chancellors, Treasurers, and other Officers and Ministers, from Year to Year, for ever.

‘ *Fourthly*,

\* *Fourthly*, That they themselves, or Friends, should King Henry III. have the Custody of the King's Castles.

\* *Fifthly*, By Edict, they made it Capital for any, of what Degree or Order soever, to refuse to consent to these Things; and against such the Archbishops and Bishops also pronounced Sentence of Excommunication.

These Twenty-four also ordained, That there should be three Parliaments in a Year, and when and how they should be holden. This Order, translated from the Original *French*, is as follows :

BE IT REMEMBERED, *That the Twenty-four have ordained, That there shall be three Parliaments in a Year; the first, on the Octaves, or eight Days after St. Michael; the second, on the Morrow after Candlemas-Day; the third on the first Day of June; that is, three Weeks before St. John. To these three Parliaments shall come all the chosen Counsellors of the King, whether summoned or not, to provide for the State of the Realm; and to treat of the common Business of the Realm, when Need shall be, by the Command of the King, or by his Summons.*

The whole Community then chose Twelve Persons to represent them in these Parliaments, &c. to save the Charges of the Community. The Entry, or Record, of which Election was to this Purpose:

BE IT REMEMBERED, *That the Community have chosen Twelve wise Men to come to Parliaments, and at other Times when there shall be Need, when the King and his Council shall command or send for them, to treat of the Business of the King and Realm, and that the Community will hold for established what the Twelve shall do, and this shall be done to spare the Cost or Charges of the Community.*

[ 63 ]

Which Twelve *Probes Hommes, Viri probi vel prudentes*, as the Record has it, were entered in this Form:

*These are the Twelve which are chosen by the Barons, eslu par lez Baruns, to treat in the three Parliaments in a Year, with the King's Council, for all the Commons, or whole Community of the Land, pur tut le Commun de la Terre, upon public Business. Their Names were these;*

<i>The Bishop of London,</i>	Philip Basset,
<i>The Earl of Winchester,</i>	John Baliol,
<i>The Earl of Hereford,</i>	John de Verdun,

John



King Henry III. John de Gray,  
Roger de Sumery,  
Roger de Montalt,

Hugh Despenfer,  
Thomas de Gresley,  
Ægidius de Argenton \*.

Many other Provisions were made in this Parliament about Feudal Tenures, Custody of Wards, Marriages, and Escheats; about Suits to the King's Courts before Justices Itinerant, County Courts, Hundred Courts, Sheriffs Turns, Writs of Right, Waste of Estates in Custody, Taking off Distresses, &c. all in Abatement, adds Dr. Brady, of the Rigour of the Feudal Law, and for their own Ease and Benefit <sup>p</sup>.

All this was done, and Commissions for the Government of the King's Castles were issued out in eleven Days Time, as appears by the Record of them, printed in Dr. Brady's *Appendix*, N<sup>o</sup>. 191, 2, 3, which, for their extraordinary Tenor, are worth the Observation of the Curious.

The last Thing the Barons went upon in this Parliament, after they had gained such large Concessions from the King, was to think of an Aid for him. Accordingly the whole Body of them chose twenty-four Persons who were to treat, separately, of this Affair; the Names of whom are preserved in the *Annals*, before quoted, and are as follow :

[ 64 ]

The Bishop of Worcester,	John de Gray,
The Bishop of London,	John de Baliol,
The Bishop of Salisbury,	Roger Mortimer,
The Earl of Leicester,	Roger de Montalt,
The Earl of Gloucester,	Roger de Sumery,
The Earl Marechal,	Peter Montfort,
Peter of Savoy,	Thomas de Gresley,
The Earl of Hereford,	Fulco de Kerdiston,
The Earl of Albemarle,	Ægidius de Argenton,
The Earl of Winchester,	John Kyriel,
The Earl of Oxford,	Philip Bassett,
John Fitz-Geoffry,	Ægidius de Erdington.

But

\* Dr. Brady observes, That these Twelve and the King's Council were only to be present in these Parliaments: That they were all Barons and great Tenants in *Capite*; not one *Commoner*, such as are now so reputed, being amongst them.

<sup>p</sup> Vide *Annal. Burton*, p. 414, &c. claus. 44 H. III. m. 17 dor. The Rolls of Parliament begin with this Convention, or Parliament, and the Provisions about Feudal Tenures, on all the Articles recited above in the Text, are entered there.

But *Matthew Paris* writes, That instead of granting *King Henry III.* or providing an Aid for the King, now when they had got their own Turn served, they sought to distress him more, by driving his Brothers from him. The Names of these Uterine Brothers to the King<sup>a</sup> were *Ademar*, or *Athelmar*, Elect Bishop of *Winchester*, *Guy de Lusignan*, and *William de Valence*; nor were they well pleased with the Behaviour of Prince *Edward*, his Son, *John* Earl of *Warren*, and *Henry*, his Nephew, Son to the King of the *Romans*, who had all boggled at the Association Oath which the whole Community of them had taken. The Form of this Oath to be taken by the whole Body, the Oath of the Twenty-four, with those of the Chief Justice and Chancellor, may be seen in their original Language in the *Annals of Burton*, p. 413, translated by Dr. *Brady* in his complete History of *England*, Vol. I. p. 629; and are therefore unnecessary here.

Thus ended this famous Parliament at *Oxford*, in the Year 1258-9, which afterwards got the Name of *Parliamentum Insanum*, or the Mad Parliament; because, says an Historian, many Things were there enacted which caused the Death of several of the Nobility afterwards. We shall not stop to make any Reflections on the Conduct of either Party, our Readers are at Liberty to judge for themselves; but whatever Concessions the Barons wrested from the Crown, at this Meeting, they quickly lost again by their too-violent Proceedings.

Nor were the Barons that were added to the King's Council, by these Provisions, over hasty to execute their Part of this solemn Agreement. We find that the Year after, 1259, whilst the King was keeping the Feast of *St. Edward*, at *Westminster*, in a very grand Manner, a Deputation from all the Batchelors<sup>y</sup>, or young Men, of *England*, came to Court and represented to Prince *Edward*, the Earl of *Gloucester*, and others of the Council, sworn at *Oxford*, 'That the King had actually and to- tally

[ 65 ]

<sup>a</sup> These Princes were the Children of *Isabel* the King's Mother, after the Death of King *John*, by *Hugh le Brun*, Earl of *March*, to whom she had been contracted before her Marriage with *John*. Mat. West. An. 1258.

*M. Paris* writes, That there were 20,700 Pounds and 30,000 Marks spent on the King's Half Brothers. He begged some that told him of this to say no more: *Oh, for the Head of God, his Oath, say no more of it, lest the very Relation make Men wonder and stand amazed.*

<sup>y</sup> *Communitas Bachelariæ Angliæ.* *Annal, Monast. Burton*, p. 427, et sequent.

King Henry III, 'tally fulfilled and compleated all and singular Acts, Obligations, &c. which the Barons had imposed on him at Oxford; and that the said Barons had done nothing on their Parts for the Good of the Public, as they had promised, but only minded their own private Interests, and had every where distrefs'd the King's Affairs; and that, if this was not suddenly amended, they would see it reformed some other Way.' To which the Prince immediately answered for himself, 'That as he had unwillingly taken a certain Oath at Oxford, yet he was ready, on his Part, to enforce the said Oath, and to venture his Life for the Commonalty of England, and the general Good, according to the Tenor of the said Oath.' Then, turning to the Barons of the Council, he told them, 'That unless they would immediately fulfill the said Oaths, he would himself stand by the Commonalty, even to Death, and force them to it.' The Barons finding, at length, that they could not avoid making good their Promises, and chusing, adds our Authority, rather to do it of themselves than be compelled to it, published the Body of Laws, called *Provisiones Baronum*.

[ 66 ]

These Laws in the *French* Tongue are contained in nineteen Articles, but are much too long to insert in our History. The Conclusion of them runs thus :

The Barons Provisions.

*These are the Purveyances and Establishments made at Westminster, in Parliament, by the King and his Council, and the Twelve, chosen by common Assent of the whole Community of England, which were then at Westminster, in the Year of the Reign of Henry, the Son of King John, forty and three.*

The National Business went on under this Form of Government for some Time: The Barons having driven the King's Brothers and all the *Poitevins* clear out of the Kingdom, and excused the Matter, as well as they could, to the Holy See, in a submissive Letter to the Pope for that Purpose, thought now they had the King and Kingdom intirely to themselves, and might rule both according to their own Will and Pleasure. But the King's Affairs were not in so bad a State as they imagined; the King of the Romans, his Brother, came over to his Assistance; who, with Prince Edward, and many Nobles more, maintained the Royal Cause; whilst

*Simon*

*Simon Montfort*, Earl of *Leicester*, at the Head of the other Barons, endeavoured to support the *Oxford* Provisions; which occasioned the wasting and burning each other's Castles, Lands, and Estates, all over the Kingdom. However, by the Mediation of the Queen, a Treaty was set on Foot, and Matters were somewhat accommodated betwixt the King and his Barons; but it did not last long; for *Henry* despairing to gain any Aid from them, and willing to shake off the Yoke they had imposed on him at *Oxford*, sent to the Pope for an Absolution from the Oaths he had taken on that Occasion. The Pope grants his Request, and not only absolved the King, but all others who had taken Oaths for that Purpose, giving for Reason, that, by this Dissolution of all that had passed, they might sooner come to an Accommodation <sup>a</sup>.

The Pope absolves the King, &c. from the Oaths taken to support them.

Upon this the King calls another Parliament to meet again at *Oxford*, according to *M. Paris*; but the Record says at *Westminster*, about the 12th of June this Year <sup>b</sup>. Parliaments, indeed, are frequent, but very confused about this Time; and well they might, when this was held just on the Brink of a Civil War between the King and his Barons. But it is somewhat strange, that neither in the Record of this Parliament nor the former, there is any Mention made of these Feuds and Animosities, nor is there one Word relative to the *Oxford* Provisions in them. This, like the former Meeting, chiefly tending to regulate some Matters in the Common Law, such as Suits in Lords' Courts, Sheriffs' Turns, Judges itinerary, &c. The Records themselves being thus silent in the more public Affairs of the Nation, we must have Recourse to the old Historians of these Times, who tell us, That at this present Meeting the King proposed to his Nobles, *That since both he and they had all been too warmly drawn in to make the former Provisions, and since the Pope had absolved both him and them from their Oaths taken on that Occasion, he hoped they would take hold of the Benefit of that Absolution, &c. and let all Things be restored to their an-*

Anno Regni 47  
1262.

At *Oxford*.

[ 67 ]

VOL. I. E . . . . . tient

<sup>a</sup> The King's Declaration that he is absolved from his Oath, and does not think himself under any Obligation to observe the Regulations made by the Barons at *Oxford*, is printed in *Rymer's Fœd.* Vol. I. p. 746.

<sup>b</sup> Pat. 47 H. III. m. 14. in schedula dori.



**King Henry III.** *tient Usage.* The Lords<sup>c</sup>, who were present at this Meeting, unanimously replied, for themselves and their Followers, 'That the Provisions which were made, and which they were bound by Oath to keep, they were resolved to adhere to, to the End of their Lives; looking upon them to be equally conducive to the Good of the King and Kingdom.' Whilst these Things were going on to an open Rupture betwixt the King and his Barons, some Bishops interposed, who, with some other common Friends to both Sides, brought Matters so to bear between them, that the Decision of the whole Affair was left to the Judgment of the King of France. Some Time after, in the same Year, the French King called a Parliament of his Bishops and Nobles at *Amiens*; where, deliberating gravely on this Business, he at last gave Sentence for *Henry* against the Barons, disannulled the *Oxford* Provisions, and restored his Brother King to his pristine State. But *Simon Montfort*, Earl of *Leicester*, taking an Exception, 'That he did not hereby abrogate King *John's* Charter, declared, That the Provisions were founded on that Charter, and therefore he would not submit to the French King's Sentence<sup>d</sup>.'

The King of  
France disannuls  
the Barons Pro-  
visions,

[ 68 ]

The King taken  
Prisoner at the  
Battle between  
him and the Ba-  
rons,

The Civil War now broke out with Violence, the King being very unfortunate at the Beginning of it; for not long after happened the Battle of *Lewes* in *Suffex*, where the King's Army was routed, and he, with his Brother *Richard*, King of the *Romans*, were taken Prisoners, with many Barons. This Battle was fought *May* 14, 1264. *M. Westminster* writes, That King *Henry* had a Horse killed under him in it<sup>e</sup>.

And now *Montfort*, having the King in his Possession, did with him as he pleased; he caused him to send out Commissions to constitute and appoint Keepers and Conservators of the Peace in all the Counties of *England*. And in the Body of these Commissions there was a Precept

<sup>c</sup> *Henry Knighton* has given us the Names of some of the Lords that composed this Meeting, viz. *Simon* Earl of *Leicester*; *Gilbert de Clare*, Earl of *Gloucester*; *Humphrey de Bobun*, jun. Earl *Ferrers*; amongst the Barons were *John Fitzjohn*, *Henry de Hastings*, *Geoffrey Lucy*, *John Vesey*, jun. *Nicholas de Segrave*, *Hugh le Spenser*, and *Robert Vipont*. *Decem Script.* H. A. col. 2446.

<sup>d</sup> The Award of *Lewis* the French King, between the English King and his Barons, is also in *Rymer*, Vol. I. p. 776.

<sup>e</sup> *Rex Angliæ, Equo electissimo sub se confesso, captus est.*

cept directed to every one of these Conservators, to send King *Henry III.* four of the most legal and discreet Knights, of each County, to be chosen by the Assent of that County, to serve for the whole, to meet the King at *London*; to be there on the Octaves of the Holy Trinity at farthest, to treat with the King, his Prelates, Great Men and others, about his own Business, and the Business of the Nation.

As this is the first Time we can, with Certainty, find when the Gentry or Commons of *England* were called to Parliament to consult with the King, the Bishops, and Barons, on the State of the Kingdom, it will not be amiss to be a little particular about it. Tho' indeed it will be in vain to expect to find any Traces of the antient *English* Constitution of Parliaments from a Convention, summoned at the arbitrary Will of a Rebel, composed of such as would best serve his Purpose, none else being called to it; for King *Henry* was then in Custody of the Earl of *Leicester*, and under his Power; *Richard*, King of the *Romans*, a Prisoner in the Tower; their two eldest Sons Prisoners and Hostages in *Dover* Castle; the Barons that adhered to the Royal Cause, for that Time subdued; so that the whole Power of the Kingdom was then in the Earl of *Leicester* and his Abettors<sup>f</sup>. It seems the Earl and his Friends had projected a new and still a stronger Scheme for the Reformation of the Government, and they seemed to want the Consent of the whole Nation to give it a Sanction; for which Reason these four Knights, to be chosen out of each County, were first thought of. Dr. *Brady* and other Writers, on the Side of Prerogative, call this an Innovation of the antient Custom of sitting in Parliament, and absolutely deny that the Commons were ever called before. The Doctor says, That the Scheme of Government here invented was no less than to unking the King; and there was an Instrument ready drawn against the Meeting of this Parliament for that

Anno Regni 48;  
1264.

*S. Montfort* summons the Commons to Parliament, in the King's Name.

[ 69 ]

E 2 Purpose.

<sup>f</sup> Mr. *Rymer* has taken Care to distinguish the Acts of State the King was obliged to make during his Captivity, so as to be easily known from the others, from p. 790 to 815. *Fœdera Ang.* Tom I

In the Parliament Rolls, Rot. Pat. 48 H. III. m. 2. dorso No. 14, there is an Abstract in *French*, but without any Date, of an Award said to be made by the King, the Prelates, Earls, and Barons, only, of the Land, *de la Terre*, giving Satisfaction to Holy Church, for divers Depredations made upon her Territories during these Troubles.

**King Henry III.** Purpose. The Instrument itself is printed in Dr. Brady's *Appendix* <sup>g</sup>, and an Abstract given of it in his History <sup>h</sup>, to both which we refer those that will concern themselves in the Controversy. It is, however, undeniable that, if this Form of Government had taken Effect, the Regal Power would have been entirely eclipsed, and the King in a worse State of Vassalage than the meanest Subject.

On the other Hand, Mr. Prynne and Mr. Petyt are strenuous Advocates for the Rights of the Commons of *England*; asserting, That they were always consulted from the earliest Account of Government in this Island. But, as we have touched upon this Controversy in the *Exordium* to this Work, we shall content ourselves, and we hope our Readers, with noting that the Arguments on both Sides are best drawn up by the aforesaid Dr. Brady <sup>i</sup> and Mr. Petyt <sup>k</sup>, to which we refer. Observing farther, That we should have been glad to have cleared up this Matter on the Side of the Commons in the former Part of this Work, had we but met with any authentic Testimony of it from the Conquest to this Period.

To proceed then with our History.—

It cannot be amiss, in this Part of it, to give our Readers, at Length, the Form of the Writ of Summons directed to the respective Prelates, Abbots, Priors, and Barons, which were to constitute this Parliament; as also the Substance of the Precept directed to the Sheriffs for the electing the Knights, Citizens, and Burgesses, that were to sit amongst them; for it does not yet appear that the latter made then a separate House, or acted as such. This then being the first Precedent we have upon Record of a Parliament, constituted as at this Day, a Copy of the Summons from the *Fœdera Anglicana* deserves particular Notice <sup>l</sup>.

It

<sup>g</sup> No. 213. Pat. 48 H. III. m. 6. dorso.

<sup>h</sup> P. 643, 644.

<sup>i</sup> In his Introduction to the old *English History*, from f. 136 to 143. Fol. London, 1684.

<sup>k</sup> Petyt's *Jus Parliamentarium*. Fol. London, 1734.

<sup>l</sup> *Ad Consultandum cum eodem Simone Regem captivum ducente, quidam Episcopi, nonnulli Barones, Abbatum, & Priorum inaudita turba, necnon & Specialiores per Comitatus & Burgos usquequaque selecti Complices convocantur, per hoc Simonis mandatum, in Nomine Regis.*

Henricus,

It does not appear that this Parliament, so called, King Henry III. with the Commons included, who were to sit to do Business, on the 21st of January, 1264, at London, did ever meet for that Purpose: It is probable the intestine

E 3 Troubles

Henricus, Dei Gratia, Rex Angliæ, Dominus Hiberniæ, & Dux Aquitanæ, Venerabili in Christo Patri R. eadem Gratia, Episcopo Dunelmensi, Salutem

Cum. post gravia Turbationum Discrimina dudum habita in Regno nostro. Charissimus Filius Edw. rdus, Primogenitus noster, pro Pace in Regno nostro asscurantia & firmanda obfes traditus extirisset; & jam sedata (Benedictus Deus) Turbatione prædicta, super Deliberatione ejusdem salubriter providenda, & plena Securitate & Tranquillitate Pacis ad Honorem Dei & Utilitatem totius Regni nostri firmanda & totaliter complenda; ac super quibusdam aliis Regni nostri Negotiis, quæ sine Consilio vestro & aliorum Prælatorum & Magnatum nostrorum nolumus expediri, cum eisdem Tractatum habere nos oporteat.

Vobis Mandamus, rogantes in Fide & Dilectione quibus nobis tenemini, quod, omni Occasione postposita & Negotiis aliis prætermiſſis sitis ad nos London' in Oſtibus Sancti Hilarii proxime futuris; nobiscum & cum prædictis Prælatibus & Magnatibus nostris, quos ibidem vocari fecimus, super præmissis tractaturi & Consilium impensuri: Et hoc, sicut Nos & Honorem nostrum & vestrum, necnon & communem Regni nostri Tranquillitatem diligitis, nullatenus omittatis.

Teste Rege apud Wigorniam, 14. Die Decembris,

Eodem Modo Mandatum est

Episcopo Karliolensi, Abbati S. Mariæ Eboraci, Prioribus Dunelmensi, & S. Trinitatis Eboraci, Abbatibus de Seleby, Furnes, Fontibus. Ryevalle, Melia. Rupe, Bella Landa, Prioribus de Bridlington, & S. Oſwaldi, Abbati de Rufford, Prioribus de Blyda, Thurgarton, & Carleolensi, Abbati de Whiteby, Priori de Guiseburn, Archiepiscopo Eboracensi, Priori de Parco, & Decano Eboracensi.

Eodem Modo Mandatum est subscriptis, viz.

Episcopis London. Winton. Exon. Wygorn. Lyncoln. Elien. Sarum, Covent. & Lich. & Ciceſtren. Electo Bath. & Welles, Decanis Exon. de Welles, Sarum, & Lyncoln.

In Forma prædicta scribitur Abbatibus & Prioribus subscriptis sub hac data.

Teste Rege apud Wodeſtocke viceſimo quarto Die Decembris.

Abbatibus Sancti Edmundi, de Waltham, & de Sancto Albano, Electo de Eveſham, Abbatibus Westmonasterienſi, Glaſtonenſi, de Reding, de Cirenceſter, & de Waverle, Prioribus Elienſi, Norwic. & de Merton. Abbati de Oſeney, Priori S. Fridewide Oxon. Abbati de Meſſenden, Priori de Lenton, Abbati de Bello, Prioribus Ordinis de Sempringham, de Watton, & Hoſpitalis S. Johannis Jeruſalem in Anglia, Magiſtro Militiæ Templi in Anglia, Abbatibus Rameſienſi, de Burgo, de Thorney, de Crouland, Ceſtriaz, Salop. de Hulmo, de Bardenei, & de Colceſtre, Priori de Dunſtable, Abbatibus de Bello loco, Parco lude, Stanlegh, Lilleſhul, & Bitcleiden, Prioribus de Beuver, & de Lenton, Abbati de Clervaus, Priori de Stodeley, Abbatibus S. Auguſtini Cantuar. & de Certeffie, Priori S. Trinitatis Cantuar. Abbatibus de Hida juxta Winton. Middleton, Cerne, Abbotſburie, & Taviſtoke, Priori de Huntingdon, Abbatibus de Suleby, Warden,



King Henry III. Troubles at that Time prevented it. But in the next Year, 1265, and the 49th of King Henry III. was the famous Parliament called; which, with another in the 18th of Edward I. were certainly the Models, or Patterns, of our present *English* Parliaments.

[ 71 ]

The

Wardon, S. Jacobi Northamp Leicestre, & Kirkestet, *Prioribus de Eton, & Cruce Roylia, Abbatibus de Kirkestal, & Tame, Prioribus de Bermondestie, & Bernwell, Abbatibus de Meriavall, S. Augustini, Bristol. de Malmesburie, Michaelnei, Abindon, S. Petri Glouc de Pershore, & de Wynchecumbe, Prioribus de Coventr. Sancto Neoto, & S. Swithini Wyn-ton, Abbati de Lefnes, Prioribus de Leedes, Landa, Spalding, S. Barthol. London, & de Kenelworth, Abbatibus de Osolvestone, & de Teukesburie, Priori de Fintheved, Abbatibus Middleton, de Valladei, & de Croxton.*

*Item, in Forma prædicta Mandatum est Comitibus & aliis subscriptis.*

*Dat. apud Wodestocke. 24. Die Decembris.*

*Comitibus Leicestr. Gloucestr. Norrolc. & Marescallo Angliæ, Oxoniensi, & Derb. Rad. de Camoys, Rogero de S. Johanne Hugoni de le Spenser, Justic. Angliæ, Johanni Filio Johannis Willielmo de Munchensy, Nicholao de Segrave, Johanni de Vesey Radulpho Basset, (de Drayton) Henrico de Hastings, Galfrido de Lucy, Roberto de Ros, Johanni de Eyvill. Adæ de Novomercato, Waltero de Colevill, Willielmo Marmyun, Rogero Bertram, Radulpho Basset, (de Sapcote) Gilberto de Gaunt.*

*Item, Mandatum est singulis Vicecomitibus per Angliam, quod venire faciant Duos MILITES de Legatioribus & Discretioribus Militibus singulorum Comitatum, ad Regem Lond. in Octab. prædictis in Forma supradicta.*

*Item, in Forma prædicta scribitur Civibus Ebor. Civibus Lincoln & ceteris Burgis Angliæ, quod mittant in Forma prædicta Duos de Discretioribus & Legalioribus & Probioribus tam CIVIBUS quam BURGENSIBUS suis.*

*Item, in Forma prædicta Mandatum est Baronibus & Probis Hominibus Quinque Portuum, prout continetur in Brevi irrotulato inferius.*

*Rex Vicecomiti Suffex, Salutem.*

*Summonito per quatuor Legaliores Milites de Comitatu tuo prædicto Petrum de Sabaudia apud Pevenseiam, Johannem de Warrena apud Lewes, & Hugonem de Bygod apud Bosciam, quod sint coram Nobis & Consilio nostro, in proximo Parlamento nostro Lond. primo Die Junii, Justiciam facturi & recepturi.*

*Et in pleno Comitatu tuo proclamari facias, quod quicunque ad Opus prædictorum Petri Johannis & Hugonis interim procurare seu impetrare voluerit saluum & securum Conductum nostrum ad Nos veniendi, morandi, & standi rectè in Curia nostra, si quis versus eos loqui voluerit secure veniat. Et Nos Conductum hujusmodi ei fieri faciamus. Et habeas ibi Nomina quatuor Militum & hoc breve.*

*Tesle Rege apud Westmon.*

*Per Consilium.*

*Eodem Modo Mandatum est Vicecomiti Hertfordiæ de Summon. W. de Valence apud Brekenon.*

*Per totum Consilium.*

The Business of this Parliament was chiefly to treat about Prince *Edward's* Release, at that Time a Prisoner in *Dover* Castle. But, whatever else was done at it, this was not effected, for he was not released untill some Time following, and then was but a Prisoner at large, carried about by *Montfort*, with his Father, wheresoever he went, who now directed all the Affairs of the Kingdom at his own Pleasure. But Prince *Edward* having found Means to escape, soon raised an Army, and, by a matchless Piece of Conduct, came upon the Earl of *Leicester* and his Forces, near *Evesham*, in *Worcestershire*, routed them, slew the Earl and his eldest Son, with many more Barons, and released his Father from a Bondage worse than Death <sup>m</sup>.

King *Henry III.*

[ 72 ]

Anno Regni 49.  
1265.

A second Battle, in which the Barons are routed.

Thus did this ambitious Earl and his Adherents, by grasping at too much, lose all; and the great Concessions they had gained were levelled with the Ground. The Battle was fought on the 5th of *August*, this Year, and on the 8th of *September* following the King called a Parliament to meet at *Winchester*; where, by their Advice, the Liberties of the City of *London* were seized, and the greatest Offenders committed to Prison, to be punished at the King's Pleasure <sup>n</sup>. This Parliament gave the King also all the Rebels Lands; and, by their Advice, he appointed two Commissioners in each County, who, with the Sheriffs, were to extend them, and return the Extent, with the Names of the Lands, and their Owners, to him at *Westminster*, by the 13th of *October* following <sup>o</sup>. The Commission bears Date at *Winchester*, *Sept. 21*; and *Paris* adds, That the King disinherited all those that stood for *Montfort* against him, and gave their Lands to those who had faithfully served him.

The King calls a Parliament,

Anno Regni 49.  
1265.

At *Winchester*.

[ 73 ]

This severe Sentence of the Earl of *Leicester's* Followers was strictly put in Execution; but the Cry of the Sufferers was so great, that it induced the Pope's Legate, *Ottoboni*, then in *England*, to take their Case into his Protection. To this Purpose he requested the King to call

<sup>m</sup> The King had like to have been slain himself at this Battle, being grievously wounded by a Dart thrown at him by Mistake; the Earl having caused him to be dressed that Day in a Suit of his own Armour. *Knyghton*.

<sup>n</sup> *Ob suam Rebellionem.* M. *Paris*.

<sup>o</sup> See the Form of the Writ of Summons at large in Dr. *Brady's Appendix*, No. 223. Ex. Pat. 49 H. III. m. 8. dorio,

King Henry III. call a Parliament, which he granted, and it was summoned to meet at *Kenelworth*, August 22, 1266<sup>p</sup>. Here Anno Regni 50. it was agreed, by the common Assent of the Bishops, 1266. Abbots, Priors, Earls, Barons, and all others, (we find At *Kenelworth*. the Commons here, if they met. but slightly mention'd) that six Persons, viz. The Bishop of *Exeter*, the Bishop of *Bath*, the Bishop Elect of *Worcester*, Sir *Alan Zouch*, Sir *Roger de Sumery*, and Sir *Robert Walerand*, by their Oaths there made, should chuse six others, who would, according to their Judgments, do the best for the Security and Peace of the Land. To these Twelve were committed the Case and Facts of the Disinherited, with full Power from the King and Parliament to hear and determine all Matters concerning them; which Determination was called the *Dictum de Kenelworth*. If there arose any Difference between the Twelve, that was only to stand good and firm which received the Assent and Approbation of the Legate and *Henry*, Son to the King of the *Romans*; and they were to finish their Work by the Feast of *All Saints*.

This Determination and Award was made to better the Condition of the Disinherited, and to turn the Forfeitures and Loss of their Estates into a Composition for them; and therefore,

- All who began the War and persevered in it;
- All who violently and maliciously kept *Northampton* against the King;
- All that fought against the King at *Lewes*;
- All that were taken at *Kenelworth* under the Command of young *Simon Montfort*, had plundered *Winchester*, or were in any other Place against the King, which he had not pardoned;
- All fighting against him at *Evesham*;
- All that were in the Fight at *Chesterfield*;
- All that freely sent their Service, that is, Horse and Arms, against the King or his Son;
- All Bailiffs and Servants of the Earl of *Leicester*, that plundered their Neighbours, burnt their Houses, or killed them, or did any other Mischief;

Should pay five Years Rents of their Lands, and if they paid it, they were to have their Land again. The Money was to be paid at two or three short Payments,

and

and if they paid the whole, then all their Land was delivered; if half, then half; if a third Part, then equal; and if they were not able to pay, the Lands were to remain in the Hands the King had given them to, till the Money was raised; and out of these Compositions, by the Persuasions of the Arbitrators, the King was to gratify his own Friends.

The Earl *Ferrers* and *Henry Hastings* were to pay seven Years Profits of their Lands.

Those who had committed lesser Crimes than the above recited, compounded; or were fined three Years, two Years, one Year, or half a Year's Rent of their Lands, according to the Nature of their Offences; those that had no Lands were fined in Goods.

All Obligations, Writings, or Instruments, made by the King, or his Son, concerning the *Oxford* Provisions, or made or entered into by any of the King's faithful Subjects, by reason of the Troubles, were made null and void by this Award: Whereby it was declared, that the King might and ought to exercise his Royal Power and Authority, without the Let or Contradiction of any one; by which, contrary to the Laws and Customs of the Land, which had long subsisted, his Royal Dignity might have been injured; yet the Great Charter, and the Charter of the Forest, were to remain in full Force by this Judgment.

The Commissioners also requested the King and Legate, that, under Danger of Corporal Punishment and Ecclesiastic Censure, they would strictly forbid any to speak of *Simon Montfort* as a Saint, or to spread the vain and foolish Miracles reported of him.

[ 75 ]

They also humbly beseeched the Legate to absolve the King, and all others of the Kingdom, both great and small, from the Oaths they had taken to observe certain Charters concerning the *Oxford* Provisions; to the Observation of which they were bound by the Sentence of Excommunication pronounced against such as did not observe them.

This Award, or *Dictum de Kenelworth*, was finished in the Castle of *Kenelworth* on the 31st of *October*, in the Year of Grace 1266, and the 50th Year of the Reign of King *Henry*.

The



King Henry III. The Year after, 1267, Henry called another Parliament to meet at *St. Edmundsbury*; where, says the Continuator of *Matthew Paris*, were summoned to appear, the Earls, Barons, Archbishops, Bishops, Abbots, and all that owed him Military Service, with their Horse and Arms, to go against those Rebels who had got into the Isle of *Ely*, and still held it out against him. This is a preposterous Way of summoning a Parliament, which the Monk speaks of; however, it is certain there was some other Business intended to be done at this Meeting more than going to fight: For the same Author has given us an exact Account of the King, with the Pope's Legate, who was then with him, and what Demands they made for a Supply from the Clergy, with their Answer to each Article.

Anno Regni 41.  
1267.

At *St. Edmundsbury*.

[ 76 ]

1. It was demanded, ' That the Prelates and Rectors of Churches should grant them the Tenth of their Churches for three Years next to come, and for the Year last past, as they gave the Barons for keeping the Coasts against the Invasions of Strangers.' To this it was answered, ' That the War began by unreasonable Desires, and did then continue, and therefore it was necessary to forbear repeating the like Demands, and treat of the Peace of the Kingdom; and make Use of the Parliament to the Benefit of the Church and Kingdom; and not to extort Money, especially, when the Nation was so much destroyed by the War, that, if ever, it must be a long Time before it could recover itself.

2. They required, ' That the Churches might be taxed by Laymen, according to their true and highest Value.' To this it was answered, ' That it was not reasonable, but contrary to Justice, that Laymen should meddle with collecting of Tenths; nor would they ever consent to a new Way of taxing, but that the old should stand.

3. ' That the Bishops and Abbots should pay the Tenths of their Baronies and Lay Fees, up to their true and highest Value.' Answered, ' That they were impoverished by Depredations and Plunderings; that they followed the King in his Expeditions, and spent so much Money that they were grown very poor, and that their Lands laid uncultivated by reason of the War.

4. It

4. It was demanded, 'That the Clergy, in common,<sup>King Henry, III.</sup> should give to the King 30,000 Marks for the afore-  
' said Tythes, which a certain Legate had claimed for  
' the Use of the Court of *Rome*, for the Debts contract-  
' ed in *Sicily*, *Apulia*, and *Calabria*, in the Name of the  
' Lord *Edmund*, the King's Son, then present.' Answer,  
' That they would give nothing, because all these Taxa-  
' tions and Extortions, first made by the King, were  
' never expended to the Use of the King and Realm'.

5. They required, 'That all Clerks, holding Baro-  
' nies or Lay Fees, should go arm'd in their own Per-  
' sons against the King's Enemies, or find so much Ser-  
' vice as belongs to their Lands or Tenements.' To  
this they answered, 'That they ought not to fight with  
' the material but spiritual Sword, that is, with their  
' Prayers and Tears: And that, by their Benefices or  
' Fees, they were bound to maintain Peace, not War.  
' That they held their Barony in *Frank Almoign*, in pure  
' Alms, and therefore ow'd no Military Service but what  
' was certain, and would not perform any that was new.

6. They required, on the Pope's Behalf, 'That with  
' all Speed the Expedition of the Cross might be preach'd  
' through the whole Kingdom.' To this it was an-  
swered, 'That a great Part of the People had been  
' killed by the War; that, if now they should undertake  
' the Crusade, few or none would be left to defend the  
' Nation.

[ 77 ]

7. At last it was said, 'That the Prelates were abso-  
' lutely bound to comply with all these Demands, on  
' the Oath which they had taken at *Coventry*, that they  
' would assist the King by all the Ways they were able.'  
To this they also answered, 'That, when they made  
' that Oath, they only meant it of spiritual Help and  
' wholesome Counsel.'

What was done further at this Parliament we cannot  
learn; it does not appear that there was any Attempt  
made against the Disinherited in the Isle of *Ely*; only  
they were restrained from making Excursions by the  
Forces the King kept with him at *Cambridge*. It must  
be owned that the Clergy behaved themselves very  
stoutly against the King and Legate at this Meeting;  
but

o Dr. Brady has omitted this whole Demand and Answer in his Trans-  
lation of these Articles, p. 661; making the fifth Article the fourth, and  
so on: But whether by Design or not, let the Reader judge.

King Henry III. but they found Means afterwards to bend them by an express Bull from the Pope, whereby he granted the King the Tenth of all Ecclesiastical Benefices whatsoever for three Years. This Bull was dated at *Viterbo*, June 9, in the 2d Year of his Pontificate, A. D. 1267, the 51st of Henry III. and directed to his Legate *Ottoboni* P.

In the Year 1267 King Henry called the last Parliament in his Reign, being summoned to meet at *Marlborough* the 19th of November; in which, by the Assent of the Earls and Barons, were made the Statutes of *Marlborough*, in which a general Provision for the Observance of the two Great Charters was ordained <sup>9</sup>.

Anno Regni 53.  
1267.  
At Marlborough.

[ 78 ]

In the Year 1272 died Henry III. King of England, after having reigned fifty-six Years and twenty Days, and was buried at *Westminster*. ‘A Reign, says an ‘Historian’, so full of remarkable Contingents, partly ‘through the Weakness and Inconstancy of the Prince, ‘and partly through the Pride and Impatience of a ‘stubborn Nobility, that it takes up a tenth Part of ‘the *English* History from the *Norman* Conquest.

#### TAXES in this King's Reign <sup>8</sup>.

Taxes during the  
Reign of King  
Henry III.

THE Parliament call'd at *Northampton*, in the Year 1224, granted the King two Shillings of every Plough Land; and the King granted the Barons Scutage, two Marks of every Knight's Fee. *M. Paris*.

The Parliament call'd at *Westminster* granted the King a Fifteenth of all Moveables, as well of Clergy as Laity, in the whole Kingdom, for the Grant, or Confirmation, of *Magna Charta*. The same Year there was a fortieth Part of all Moveables granted. *M. Paris*.

In the Year 1226 the King wrote to his foreign Bishops and Clergy to give him a Fifteenth of all their Moveables, as the Bishops and Clergy of *England* had then done. Pat. 11 H. III. m. 11.

The next Year he compelled the City of *London* to pay him 5000 Marks, because they had given as much to

<sup>8</sup> Cart. 51 H. III. m. 10. in schedula.

<sup>9</sup> Assensu Comitum & Baronum. *M. Paris*. See the Statutes at large.

<sup>1</sup> See *Daniel's History of England*.

<sup>2</sup> See a fuller Account of these Taxes in *Stephens's Royal Treasury of England*. Lond. 1725.

to *Lewis*, late King of *France*, when he left *England*; King *Henry III.* and levied a Fifteenth. *M. Paris.*

At the same Time he took from the Burgeffes of *Northampton* an Aid of 1200*l.* besides one Fifteenth.

He likewise forced all religious and beneficed Clerks to pay a Fifteenth, as well out of their Spirituals as Temporals; and they who were unwilling to pay were compelled either by the King's Authority or Ecclesiastical Censures.

Soon after this the Religious and others had Notice, that unless they renewed their Charters the old ones should be of no Advantage to them; and for the Renewal every one paid according to his Faculty, at the Discretion of the Justiciary. *M. Paris.*

In the Year 1230 Archbishops, Bishops, Abbots, and Priors gave a great Sum of Money for recovering his Rights beyond Sea. At the same Time he put the Citizens of *London* to grievous Redemption, and forced the *Jews* to pay him a third Part of what they were worth. *M. Paris.*

In the Year 1231 the King required a Scutage of three Marks of every Knight's Fee, of all that held Baronies, as well Prelates as Laics: This was opposed by the Archbishop of *Canterbury* and some other Bishops, but was agreed to by all the others. *M. Paris.*

[ 79 ]

In a Parliament held at *Lambeth*, in the Year 1232, a fortieth Part of all Moveables, as well of Ecclesiastics as Laics, was granted to the King, and was collected very soon after. *M. Paris.*

In the Year 1235 he had two Marks of every Plough Land, for the Marriage of *Ifabel* his Sister to *Frederic*, Emperor of *Germany*, and gave with her 30,000 Marks for her Portion. Claus. 21 *H. III.* m. 1. & m. 21. dorf.

In the Year 1237 a thirtieth Part of all Moveables was granted to the King. *M. Paris.*

In the Year 1242 the King requir'd a Scutage of three Marks from every Knight's Fee through all *England*. So *M. Paris*; but others say only twenty Shillings.

In a Parliament held at *London*, in the Year 1244, twenty Shillings of every Knight's Fee was granted to the King for the Marriage of his eldest Daughter. *M. Paris.*



King Edward I. In the Year 1253 the Clergy granted the Tenth of all Ecclesiastical Revenues for three Years, and the Nobility three Marks of every Knight's Fee, for the Relief of the *Holy Land*, on the King's Confirmation of *Magna Charta*. *M. Paris.*

In the Year 1267 three Years Tenths of all Church Revenues were granted to the King by the Pope. Cart. 51 *H. III.* m. 10. sched.

And in the Year 1270 a twentieth Part was granted the King. Cl. 54 *H. III.* m. 11. dorso.

[ 80 ]

**E**DWARD, the first of that Name after the Conquest, was in the *Holy Land* at the Time of the Death of his Father King Henry III. However, he was peaceably proclaimed and recognized King of *England*, &c. and, at his coming into the Kingdom, was crowned at *Westminster*, with the usual Ceremonies, August 19, 1274; near a Year and a Half after the Death of his Father, he being then just thirty-five Years of Age.

We now come to a Reign, in which we shall give the History of *Parliaments* undoubtedly composed of Representatives of the Counties, Cities, and Boroughs, as well as the higher Estates of the Realm. *Montfort's* Convention, where though the *Commons* were introduced to make his Cause more popular, yet we doubt whether that Meeting can be stiled a *Parliament*, which was called together by the Earl of *Leicester's* own Authority, the King a Prisoner, and the Realm under an absolute Usurpation. But, however that Meeting may be thought of by some, yet all must grant that *Montfort's* Conduct, in this Particular, was highly approved of; since to what he then did may be owing the Rise and Model, with some Alterations, of all succeeding *Parliaments*.

The State of the Transactions on the Death of the last King appears to be thus: He died Nov. 16, 1272, his Sons, *Edward* and *Edmund*, were then abroad. The preceding Troubles put every Wellwisher to his Country upon taking all necessary Steps to preserve the Peace and Tranquillity of the Kingdom; and therefore, immediately after the King's Funeral, Nov. 20, according to *Mat. Westminster*, or before, by the *Annals of Worcester*, which end in 1307, the Earl of *Gloucester*  
and

and other Lords <sup>u</sup>, then present, took an Oath to pre-serve the Peace of the Kingdom to the utmost of their Power, and to bear faithful Allegiance to the absent King <sup>w</sup>.

The Parliamentary Records being almost all lost, or destroyed, about this Time, we can have but small Assistance from them; our Recourse therefore must be chiefly to the old Monkish Writers of this Age, who, tho' not so exact as the others, yet the whole Body of our Historians, hitherto, have allowed of their Testimonies, where better could not be found. However, we are not altogether without our own Vouchers, as the Sequence will shew; and particularly in this next Parliament, where the Acts made by them are still preserved, and stand the first in all Editions of our *Statutes at large*.—But to proceed with our History.

*Edward* being returned to his own Dominions, and his Coronation performed, soon after thought fit to call a Parliament, in order to redress many Grievances and Enormities which had crept into the State during the late Civil Wars, his Father's Death, and his own long Absence from the Kingdom. This Parliament was summoned to meet *Ad quindenam Festi Purif. Beatæ Virginis Mariæ, Feb. 16.* Here we have the Commons called up to it, as plainly appears by the Preamble to the Statutes of *Westminster* the First, as they are stiled by the Lawyers, which we shall give in the Sequel; but how they were elected to it, does not so evidently appear.

It was in this Parliament that the several Summons which the King had sent to *Lewellyn*, Prince of *Wales*, to come and do Homage to him as his Vassal and Subject, were recited. *Rymer* in the *Fœdera Anglic.* Tom. II.

p. 68,

<sup>u</sup> *Walter Giffard*, Archbishop of *York*; *Edmund Plantagenet*, Earl of *Cornwall*, Son to *Richard* who was Brother to King *Henry III.* and *Gilbert de Clare*, Earl of *Gloucester.* *Mat. West.*

<sup>w</sup> *Postmodum ad novum Templum Londini Nobiliores Regni pariter convenerunt, et facto Sigillo novo, constituerunt Custodes fideles et ministros, qui Thesaurum Regis et Pacem Regni fideliter custodirent.* *Mat. West.*

*Die proximo post Patris ejus Sepulturam Pater Robertus Kylwardbey, Archiep. Cant. &c. apud novum Templum convenerunt, &c. et de Assensu Matris Reginae statuerunt Custodes Regni, &c.* *Walsing. N. Trivet.*—But our Author must be mistaken in his Archbishop, for *Robert Kilwardbey*, though he had been named by the Pope at *Rome* to the See of *Canterbury* in *October* before, yet he had not taken Possession of it at that Time. It were the Nobles mentioned in the foregoing Note (<sup>w</sup>) that issued out the Writ in the King's Name, *de Pace Regis proclamanda*, which is in *Rymer's Fœd.* dated *Nov. 23.*

King Edward I. p. 68, has given us a List of them, by which it appears, That however hard this Prince's Fate might seem afterwards, yet it cannot be denied but that he had fair Warning to avoid it. For Fear of breaking the Thread of our History, we chuse to give them by Way of Note, as under <sup>a</sup>.

There is no Doubt but these several Summons were read in the first Meeting of this Parliament, but what was then resolved upon about them does not appear. It is probable the more important Affairs of the State called first for Amendment: And indeed many excellent Laws were enacted by this Parliament for securing the Peace and Liberties of the People, as well as the Immunities of the Church, and Privileges of the Clergy; but whether in the first or second Session of it, is not certain. They sat but a small Time; for they met about *Candlemas*, and were prorogued to the 22d of *April* following, 1275. <sup>b</sup>.

Anno Regni 3.  
1275-

At Westminster.

[ 82 ]

At the next Meeting of this Parliament, the Affair of the *Jews*, then in *England*, was taken into Consideration, and several Laws were made to restrain the excessive Usury of them; and it was also enacted, That they should wear a Badge upon their Upper Garments, in the Shape of the two Tables of *Moses's* Law <sup>c</sup>. On the

<sup>a</sup> 1. A Summons by *Walter* of *Merton*, dated *Nov.* 29, 1272, reciting, That the Prelates, Barons, &c. in *Wales*, had done Homage, and empowering two Abbots, of *Dore* and *Hafshemen*, to receive his Homage. *Rymer*, Tom. II. p. 2.

There is also a Letter from the Abbots, certifying that they went to *Montgomery*, &c. but that the Prince did not come. *Ibid.* p. 3.

2. Orders to *William de Bello Campo*, Comes *Warwic*, to be at *Montgomery* on the next Sunday after the Feast of *St. Philip* and *Jacob*, dated at *Westminster*, *April* 14, 1274.

3. After his Coronation, (*August* 19, 1274) and he came not within a Year.

4. A Summons to him to appear and do Homage to the King at *Shrewsbury*, on the Sunday after the Feast of *St. Andrew*, 1274, dated at *Northampton*, *Nov.* 3. *Ibid.* p. 41.

The King falling ill put off the Time, as appears by his Writ, dated at *Clyve*, *Nov.* 22, 1274. *Anno Regni* 3. *Ibid.*

<sup>b</sup> *Craft. Claus. Pasch.* and *Easter-Utas*, is much the same. *Easter-Day*, that Year, was *April* 14. The Date in *Hawkins's Statutes* is *April* 25; but it should rather have been the 22d.

There is a Writ in *Prynne's Parliamentary Collections*, p. 180, dated at *Westminster*, *July* 24, *Anno Regni* 4, *Edw.* 1. referring to a Law made in this first Parliament.

<sup>c</sup> *Ad unius Palmæ Longitudinem.* Mat. Westminster.

There is in *Prynne*, p. 239, from *claus.* 4 *Edw.* 1. m. 6, a Proclamation enjoining the *Jew* Women also to wear that Badge.

the 18th of the same Month they met again, and granted the King a Fifteenth upon the Clergy and Laity, by the common Consent of the Archbishops, Bishops, Earls, and Barons<sup>c</sup>. This Money, or Subsidy, was given, says one Author<sup>d</sup>, to defray the Expence of the King's Crusade: Another writes, That it was said by some to be for Novelty Sake, or for a good Beginning<sup>e</sup>. However, Dr. Brady has published an Act of the King's, whereby he declares, That this Gift of the Clergy proceeded only from their free Good-will, and that it should not be drawn into Consequence for the future.

The King had done the Merchants some signal Service, in a late Treaty, as he came home through *Flanders*; and in his Care now of their Interests, in suppressing illegal and excessive Tolls, arbitrarily exacted from them in most Parts of the Realm; they therefore voluntarily taxed themselves to Half a Mark on every Sack of Wool, and a Mark on 300 Skins, and on a Last of Leather, throughout *England* and *Ireland*, for *Wales* was not conquered at that Time, and granted it to the King and his Heirs for ever<sup>f</sup>. This Contribution they got confirmed by this Parliament, and it was called the *New Custom*, in Distinction to one that had been Part of the antient Revenue of the Crown.

What is before said relating to the Commons being call'd to this Parliament, besides the undoubted Authority of the Preamble to the Statutes made in it, it is farther confirmed by the Testimony of two antient Monastic Histories, the *Annals of Worcester*, and those of *Waverley*, who expressly tell us, That they were composed of the *Archiepiscopi, Episcopi, Comites, Barones, Abbates, et Priores, et de quolibet Comitatu* quatuor Milites, *et de qualibet Civitate* quatuor. By this it appears that there were no Representatives of the Boroughs in it, though modern Historians have said so; and therefore was not similar to *Montfort's* Parliament, neither in the Places sending, nor the Number sent. We shall conclude this Affair, by giving the Preamble to the Statutes of *West-*

VOL. I.

F

minster

<sup>c</sup> Annal. Waverl.

<sup>d</sup> Chron. T. Wykes.

<sup>e</sup> *Novitatis Causa*. Annal. Waverl.

<sup>f</sup> Pat. 3 Edw. I. m. 1. Rot. Fin. 3 Edw. I. m. 24.



King Edward I. *minster* the First, which our Lawyers have divided into fifty-one Chapters <sup>g</sup>.

Anno Regni 4.  
1276.

At *Westminster*.

The next Year, 1276, this King conven'd his Nobles, &c. again to *Westminster*, on the Affair of *Lewellyn*; they met at *Westminster*, October 18, or about the Feast of St. Luke<sup>h</sup>, 1276. And that they consisted of the same Members as the last, appears from a Patent to the Archbishop of *Canterbury*, which recites *Comites, Barones, ac alii Magnates, et Communitas Regni nostri*<sup>i</sup>. In this Parliament several more Summons, which had been sent to the Prince of *Wales* since the Meeting of the last, were again recited; to which he never appeared, but sent idle and frivolous Excuses, nay, sometimes insolent ones, instead of coming. Upon which the Archbishops, Bishops, and other Prelates, with the Earls, Barons, &c. desir'd the King would give them Leave to send to him to persuade him to come; to this the King acquiesced, and they accordingly sent the Archdeacon of *Canterbury*, but to no Purpose: But about a Fortnight after *Michaelmas*, that Year, *Lewellyn* signified to the King that he would come to *Montgomery* to do Homage, provided the King would give him Safe-Conduct, by the Archbishop of *Canterbury*, &c. This Letter was looked upon to be so insolent, that it was agreed by all present, That the King should

<sup>g</sup> The Preamble to these Statutes is as follows: These be the Acts of King Edward, Son to King Henry, made at *Westminster*, at his first Parliament general after his Coronation, on the Monday of *Easter-Utas*, in the third Year of his Reign, by his Council, and by the Assent of the Archbishops, Bishops, Abbots, Priors, Earls, Barons, and all the Commonalty of the Realm, being thither summoned; because our Lord, the King had great Zeal and Desire to redress the State of the Realm in such Things as required Amendment, for the common Profit of Holy Church and of the Realm. And because the State of Holy Church had been evil kept, and the Prelates and Religious Persons of the Land grieved many Ways, and the People otherwise intreated than they ought to be, and the Peace less kept, and the Laws less used, and the Offenders less punished than they ought to be, by reason whereof the People feared less to offend; the King hath ordained and established these Acts underwritten, which he intendeth should be necessary and profitable to the whole Realm.' Vide *Cbron. T. Wykes, sub hoc Anno*.

Besides the Statutes at large, see a Detail of these Laws in Lord Coke's *Institutes*, Part II. p. 156, &c.

<sup>h</sup> *Annal. Waverl. Wygorn. In quindena S. Michael. Wykes*. You have, in Archbishop Wake's *Appendix*, No. 14. the Archbishop of York's Appointment of his Proxy, dated at *Bolton* in *Craven*, Non. Oct. 1276. We mention this, because it is the first Proxy we have yet met with.

<sup>i</sup> Dat. *Westm. Nov. 1. Pat. 4 Ed. 1. m. 6. Prynn's Coll. p. 179.*

Should not admit of *Lewellyn's* Excuses; but proceed King *Edward I.* against him as a Rebel <sup>k</sup>.

It is said that in this Parliament the Fifteenth granted by the last was ordered to be levied, but whether then or before, is very uncertain, because our oldest Historians contradict one another hereabouts strangely, both in jumbling the Parliaments together, and in different Dates, that nothing certain can be got out of them. The Tax of a Fifteenth is said, by some, to be laid on Clergy and Laity jointly, whilst the *Annals of Waverley* mention the Lay Possessions only; but are very particular in their Account of this Tax, and mention exactly what their Part of the Fifteenth amounted to.

As we shall have Occasion to make frequent Mention of these Taxes in the Progress of this Work, it may not be thought improper to give an Explanation of them in this Place.

Our ablest Lawyers have been puzzled about the Manner how these *Tenths* and *Fifteenths* were collected; what we have met with relating to that Affair is not intirely satisfactory; because, we presume, they varied with the Times, and were charged upon Goods and Chattels rather than Land, especially in Cities and great Towns. But let the following Explanation speak for itself.

A *Fifteenth*, or *Quinzieme*<sup>l</sup>, is a Tax of Money laid upon the Counties, Cities, Boroughs, or other Towns, throughout the Realm; and so call'd, because it amounted to a fifteenth Part of that which the City or Town had been of old valued at: And therefore every Town knew what a *Fifteenth* for themselves did amount to; which was in Proportion to the Land or Circuit about it. Thus *Camden* says of *Bath*, *Geldebat pro viginti Hidis*. Whereas a *Subsidy* was raised upon every particular Man's Goods, or Lands, and therefore was uncertain; because the Estate of every particular Man is uncertain<sup>m</sup>.

The last Edition of this Law-Dictionary adds, That these Rates were taken out of *Doomsday-Book*, in the Exchequer, as *Camden* again witnesses of *Welles*, in

F 2

Somerset-

<sup>k</sup> The Declaration of War against *Lewellyn* is in *Rymer*, Tom. II. p. 68.

<sup>l</sup> A *Vinetieme* is to this Day a Tax in France, called, in *English*, a Twentieth Penny.

<sup>m</sup> *Cowel's* Law Dictionary.

King Edward I. *Somersetshire*, thus : *Quo Tempore, ut testatur Censualiter Angliæ Liber, Episcopus ipsum Oppidum tenuit, quod pro quinquaginta Hidis geldavit*; and so of other Towns : By which it appears, that, of old Time, this seemed to be a yearly Tribute in Certainty : Whereas now, tho' the Rate be certain, yet it is not levied but by Parliament. To this we may add, That these Kinds of Taxations were imposed by the King at his Pleasure, till Edward I. bound himself and his Successors, from that Time forward, not to levy it but by Consent of the Realm.

But to go on with our History.—

It seems as if this last Parliament met by Prorogation this Year at *Winchester*, for we have no Account of a new one being called ; and yet there is Testimony that they sat there about the Beginning of *January*, say our Annalists, for several Days<sup>1</sup>, the King coming to them the latter End of *December*. Soon after *Easter* we find them met again at *Westminster*, which must be in the Year 1277 ; and here it was that, amongst other good Laws, the Statute of Bigamy was enacted<sup>m</sup> ; tho' this last seems not to have been done in full Parliament, the Preamble to the Statute running thus :

[ 83 ]

The Statute of  
Bigamy enacted.

‘ In the Presence of certain Reverend Prelates, Bishops of *England*, and others of the King’s Council, the Constitutions under-written were recited, and after heard and published before the King and his Council, forasmuch as all the King’s Council, as well Justices as others, did agree that they should be put in Writing for a perpetual Memory, and that they should be steadfastly observed.’

Anno Regni 4.  
1276.

At *Winchester*.

At this Parliament, at *Winchester* or *Westminster*, however, the King confirmed the Charters of Liberties and Forests, and ordered that it should be proclaimed all over *England* that they should be strictly observed<sup>n</sup>.

Anno Regni 5.  
1277.

There is Mention made of another Parliament said to be held in the Year 1277, after the King’s Expedition into *Wales*, in which the Laity granted the King a thirtieth Part of their moveable Goods towards his Charges.

*Tyrrel*

<sup>1</sup> Per plures Dies. Annal. Wygorn. et Waverl.

<sup>m</sup> The Statutes at large. See also *Tyrrel’s History of England*, Vol. III. p. 26.

<sup>n</sup> *Tyrrel’s History of England*, Vol. III. p. 29.

*Tyrrel* observes, that this Parliament is not expressly *King Edward I.* mentioned on the Rolls; which shews, adds he, that there were many more Parliaments than we can now find upon Record °.

*Tyrrel* quotes *Walsingham* for his Authority as to this Meeting; but as we find no older, and considering the War now with *Wales*, to attend which all those who held by Military Service, even the Ladies <sup>p</sup>, were summoned, and the King's returning from that Expedition, we can hardly find Time or Place for a Parliament to meet.

There is greater Probability that a Parliament might be held next Year at *Gloucester*, because the Statutes said to be made there by our Statute Books seem to confirm it, though we have no other Authority. These Laws seem to have been taken and printed from some Proclamation, or some such Act for publishing them; perhaps at a Parliament at *Westminster* held in *October* this Year, though first made at *Gloucester*, from whence they take their Name, and is evidently confirmed by the Statutes of *Westminster* the Second, 13 *Edw. I.* which say the Parliament was called to meet at *Gloucester* in *Quindena S. Johan. Baptistæ*, because an Exposition of these Laws was made on the Sunday after the Feast of *St. Peter, ad Vincula*, this very Year <sup>q</sup>.

The *Annals* of *Waverley* mention a Parliament to be held at *Westminster* in the Middle of *October* this Year, where it is said that the King of *Scots* came and did Homage to King *Edward* at that Meeting. *Wykes* says the same; and, by his Account, one might imagine that it was for the whole Crown of *Scotland*; but the *Annals* of *Worcester* express the Lands for which he did Homage, which all lay in *England*. A better Authority than either is in the *Fœdera Ang.* Tom. I. p. 126, where is the whole Proceeding.

[ 84 ]

F 3 The

° *Tyrrel's History of England*, Vol. III. p. 29.

<sup>p</sup> *Rymer* has given a List of the Barons, Prelates, Abbots, and even Ladies, that were summoned to serve in this War, by themselves or Substitutes.

<sup>q</sup> The Date, therefore, in *Harwini's Statutes*, may be wrong. The Roll in the Tower ends thus: *Done a Glocestre le Demein prochain apres la Feste de Sein Peire a Goule de Aust. le An avantdit*; and the Preamble to the Statute de *Quo Warranto* mentions those made at *Gloucester* in *August*, 6 *Edw. I.*



King Edward I. The next Year, 1279, another Parliament was summoned to meet at *Westminster*, when an Affair of great Importance to the Interest of the whole Nation came before them. But before we enter upon an Account of the famous Statute of *Mortmain*, passed in this Parliament, it will be necessary to premise two Affairs which happen to precede it. The first was an Act concerning bearing of Armour; in the Preamble to which the Prelates, Earls, Barons, and whole Commonalty, are said to be there assembled at *Westminster*, October 30, Anno Regni 7. The other Transaction was this: Some of the Provisions the Archbishop of *Canterbury* and his Clergy had made this Year, at a Council at *Reading*, (3 Kal. Aug.) were revoked, soon after, by this Parliament, (in Feste S. Michaelis) and this Revocation is printed in *Prynne*<sup>r</sup>, *Collier*, and in the *Councils*. But this Blow was very soon followed by a much greater Stroke at that Body than they had ever suffered before.

It is very well known to an *English* Historian, that the Clergy, ever since the first Introduction of Christianity into this Island, had been accumulating Lands and Riches; insomuch that they had swelled, what was at first but a Molehill, into a huge Mountain. The enormous Bulk of their present Possessions, and what they were daily acquiring from the mistaken Charity of that Age, made it justly suspicious that, in another, they might engross the whole: Besides, it was well known that, whatever Lands they gained this Way, they were from thenceforth unalienable, and a dead Hand laid on them for ever. The Laity had been long desirous to stem this Torrent; but wanted a King of Resolution enough to despise the *Vatican* Thunder, and effectually put a Stop to these dangerous Proceedings. Such a King they found in *Edward I.* and a Parliament was called in this Year for that Purpose. They met at *Westminster* in the Beginning of *November*, by the King's Appointment, and when he made the Proposal it was received by the Laity with universal Joy, nor durst the Clergy oppose it for Fear a heavier Blow should fall upon them. In fine, it was enacted, 'That, from henceforth, none should either give, sell, bequeath, or change, or, by any Title whatsoever, should assign any Lands, Tenements,

'ments, or Rents, to any Religious Body, without Licence from the King had for that Purpose.' This Statute was called the Statute of *Mortmain*, because it was intended to prevent Estates from falling into dead Hands; that is, Hands of no Service to the King or the Public, without Hopes of ever changing their Owners. Nor did the King end here; for the Sequel will also shew that this Monarch laid a heavier Hand on Holy Church than any of his Predecessors had done before him.

The Statute of *Mortmain* enacted.

About this Time *Edward* was busy in his Conquest [ 85 ]

of *Wales*, which he soon after fully accomplished. *Le-*  
*wellyn*, their Prince, was slain in the open Field, and his whole Army routed upon the Spot. *David* his Brother was soon after taken Prisoner and brought to the King at *Shrewsbury*. Here it was that a Parliament was called Anno Regni 11.  
1283.

on that Occasion, September 30, 1283, who condemn'd *David* to die the Death of a Traitor. This rigorous Sentence was executed with all the Circumstances attending that infamous Punishment. His Head was fix'd At *Shrewsbury*.  
*Lewellyn* killed, and his only Brother executed,

near that of the Prince his Brother, and his four Quarters were sent to *York*, *Bristol*, *Northampton*, and *Win-*  
*chester*. The first Example of this Manner of Execution done on Traitors, but which has been commonly practised ever since. [ 86 ]

The King, in summoning this Parliament, was more explicit than ever he had been before. The Writs of Summons are still extant on Record; the first of which is to the Lords to meet the King at *Shrewsbury* on September 30. The second Writ is directed to the Sheriffs of every County in *England*, to cause to be chosen two Knights for the Commonalty of the same County; as also a third directed to several Cities and Boroughs, and a fourth Writ to the Judges.

But

• *H. Knyghton*, inter *Decem Scriptores*, col. 2462.

See *Statutes at large*, p. 83; where the Reasons for making this Law will best appear by the Recital of the Statute itself.

• *O mors misera Proditoris! ad Caudas Equorum per Municipium Salopiæ fuit tractus, dein suspensus, postea decolatus, postmodum Truncus Corporis in quatuor Partes fuit divisus, finaliter Cor ejus cum Intestinis fuit combustum, Caput Londini portabatur, quod super Turrim Londinensem erigebatur super Palum, e Regione Capitis Fratris sui; quatuor Partes Corporis ipsius acceptæ ad Bristoliam. Northamp. Ebor, Winton, mittebantur. M. West.*

• *Rot. Wallæ*, 2 *Edw. I. m. 2. dorso*. *Rymer's Fædera*, Tom. II. p. 247, &c.

Mr. *Tyrrel* observes, that neither Mr. *Prynne* nor Dr. *Brady*, with all their Diligence, have taken any Notice of these Writs to summon this Par-

King Edward I.

But the Time this Parliament met at *Shrewsbury* has been diversified by several antient Authors, and placed a Year sooner than it really happened, which has led many modern Historians into the same Error. Now to fix this Period right, the Time of *Lewellyn's* Death, and the Capture of his Brother *David* must be ascertained. The Beginning, Progress, and Conclusion of this *Welsh* War, must lead us to the Point directly; and this is exemplified in *Rymer*, by the several Acts of State done during the Continuance of it. The first of which

is Parliament. He accuses the latter of Partiality in this Matter; and, in his Introduction to his History, has given the Reason why the Doctor might not think fit to mention them.

The Writs are directed to all the Earls and Barons by Name, to the Number of 110; but the Writs to the Cities and Boroughs being more remarkable, especially as these Writs are the first upon Record requiring the Attendance of the Commons, except those issued in the Name of the late King *Henry III.* under *Montfort's* Usurpation, we think proper to give a Transcript of them as follows:

R E X Majori, Civibus et Vicecomitibus LONDON.

*Quot Fraudum et Macbinationum generibus Lingua Walensium, ad instar vulpium, Progenitores nostros et Regnum nostrum invaserit, a Tempore, quo potest Hominis memoria recordari: Quot Strages Magnatum, Nobilium, et aliorum, tam Anglicorum, quam aliorum Juvenum, atque Senum, &c. ut in Brevi Superiori usque hæc Verba.*

*Vobis Mandamus quod duos, de sapientioribus et aptioribus Civibus prædictæ Civitatis, elegi faciatis, et eos ad nos mittatis, ita quod sint ad nos, apud Salopiam, in Crastino Sancti Michaelis proximo futuro, nobiscum super hoc et aliis locuturi; et hoc nullatenus omittatis.*

*Teste Rege apud Rotheland, 28 Die Junii.*

*Eodum modo, mandatum est omnibus subscriptis:*

*Majori et Civibus Winton.*

*Majori et Ballivis Villæ Novi Castri super Tynam.*

*Majori et Civibus Eborum.*

*Majori et Ballivis Bristol.*

*Majori et Civibus Exon.*

*Majori et Civibus Lincoln.*

*Majori et Civibus Cantuar.*

*Majori et Civibus Karleol.*

*Ballivis Norwici.*

*Majori et probis Hominibus Northampton.*

*Ballivis Nottingham.*

*Ballivis de Scardeburg.*

*Majori et Ballivis de Grimesby.*

*Majori et Ballivis de Linn.*

*Ballivis de Colecester.*

*Ballivis et probis Hominibus de Gernemue. [Yarmouth]*

*Majori et probis Hominibus de Hereford.*

*Majori et probis Hominibus Cestriæ.*

*Ballivis et probis Hominibus Sallop.*

*Majori et probis Hominibus Wygorn.*

*Sub Forma prædictæ Mandatum est Universis et Singulis Vicecomitibus per Angliam, quod, in quolibet Comitatu, eligi faciant duos Milites, de discretioribus et aptioribus Comitatus illius ad Regem pro Communitate ejusdem Comitatus, venturos; ita quod sint ad Regem in Crastino Sancti Michaelis prædicto, apud Salopiam, cum Rege super hiis et aliis locuturi; et hoc nullatenus omittatis.*

*Item, sub eadem Forma, Mandatum est omnibus subscriptis, quod sint ad Regem, ad Diem prædictum, cum Rege super hiis et aliis locuturi. Richardo de Holecrok, &c. Judicibus.*

is a Letter from the King to the Archbishop of *Canter-* King Edward I.  
*bury*, to excommunicate the whole *Welsh* Nation, dated  
at the *Devizes*, *apud Devizes*, Martii 28, *An. Reg.* 10.  
1282. Next follows several Summons to the Barons  
and other Great Men to appear in Arms, with their Vas-  
sals and Subjects, on an appointed Day, at *Chester*, and  
other Places on the Coasts of *Wales*, of subsequent Dates  
to the former. Our Monkish Historians say expressly,  
that the Battle, in which *Lewellyn* was slain, happened  
on the 10th of *December*, in the 11th Year of the King,  
and that his Brother was taken Prisoner on the 22d of  
*June* following<sup>w</sup>. All which Testimonies, with more  
of the same Nature, which, for Brevity Sake, we omit,  
plainly prove that this Parliament at *Shrewsbury* was  
called to meet there, in the Year 1283; and, as the  
Writs express it, tho' they bear no Marks of the Year  
on them, the Day after *Michaelmas*, or *September* 30,  
that Year.

It seems as if this Parliament at *Shrewsbury* was call'd  
with no other Intention, than to shew the whole Nation  
that the King gave the *Welsh* Prince a fair Trial; and  
that the Sentence against him should be given by his  
Peers. *David* was a Baron in *England*; and conse-  
quently eleven Earls and one hundred Barons were com-  
missioned by the King to try him, who condemned the  
poor unhappy Prince to a most shameful and ignominious  
Death; the Circumstances of which, all duly executed,  
are too shocking to relate; who will may read them in  
the Words of an old Historian at Note<sup>t</sup>, p. 87. The  
Line of *Cadwallader* being thus intirely cut off, the  
*Welsh* Nation was wholly subdued, and added a glorious  
Title to the *English* Crown; after many Attempts for  
the Space of 800 Years, the Conquest of it was re-  
served for our *Edward* the First, the bravest and the  
wisest Prince that ever sat upon the *English* Throne.  
' And it was certainly of great Benefit to both Nations,  
says an Historian<sup>x</sup>, for the miserable Contests and bloody  
Mischiefs which often happend between them were  
hereby

[ 87 ]

*Wales united to  
the Crown of  
England.*

<sup>w</sup> Walt. Hemingsford. *Et contigit hæc Victoria A. Regni Regis* Ed. II.  
10. *Die Decembris*; and in the next Page, *et Die S. Albani* (June 22)  
*proximo subsequenti captus est, per Proditionem cujusdam ex suis, Davidus*  
*Princeps, et Ferro victus tutissimè servabatur usque ad sequens Festum S.*  
*Michaelis, &c.* *Annales de Dunstable.*

<sup>x</sup> Sam. Daniel, in *Kenner's History of England*, p. 194.



King Edward I. hereby extinguished, and they became one People, governed by one Law, and under one Prince.'

At this Parliament, however, some other Business was done beside the former; for they granted the King a Thirtieth for the Laity, and for the Clergy a Twentieth, towards the Expences of the War.

Here we have a Mist thrown over our Parliamentary History for some Time; our Records give us nothing to clear it, and our old Monks are confused and abstruse. A Parliament is seemingly made out by our Statute-Books, to meet at *Rothland* the next Year, *May 24*; but, upon Inspection into them, we find the Statute of *Rothland* is no more than a Writ of the King's own, for better regulating of his Exchequer, and no Act of Parliament; though it has been printed all along as a Statute, and, with a false Date, copied by the different Editors from one another, quite from *Totbill's* old Edition down to the last. The real Date is *apud Rothland, 23 Die Martii, A. R. N. xii. r.*

From *Wales* we trace the King coming to *Bristol*, where he kept his *Christmas*, and as some say held a Parliament, but not a general but a particular Parliament, say *Wykes*<sup>2</sup>, which we take to be no more than a great Council; tho' what particular Things were done at it are not mentioned. But this Meeting is confirmed by two Acts of State in *Rymer*, one dated at *Bristol* in *December*, and the other in *January* in that Year. After *Christmas* the King was at *York*, say the *Annals of Dunstable*, and with this an Act dated at *York, Jan. 12, 1284*, agrees. The *Annals* aforesaid carry the King from hence to *Lincoln*<sup>a</sup>, where he held a Parliament, and went from thence into *Wales*.

Anno Regni 12.  
1284.  
At *Atton-Burnel* In the King's Progress into *Wales*, or soon after he got there, a Parliament was actually called to meet at *Atton-Burnel*, a small Place in *Shropshire*, where they had no other Convenience to sit in but a great Barn<sup>b</sup>. But why the King should chuse that Place rather than *Shrewsbury* very near it, or any other in the County, is unknown. However, to ascertain the Place, the Statute of

<sup>1</sup> Vid. *Madox's History of the Exchequer*, p. 656, Note (n)

<sup>2</sup> Non universali, seu generali, sed tanquam particulari et speciali Parlamento Chron. T. Wykes, p. 112.

<sup>a</sup> Et inde tenuit Rex Parliamentum, suum apud Lincoln, An. Dunst.

<sup>b</sup> Lelandi Itin.

of *Acton-Burnel*, so called, as printed in our Statute-Book King *Edward I.* must have been made here; it is called, in the old Editions, 13 *Edw. I.* tho' it has no Date neither in the Preamble nor in the End of it; but, amongst the Statutes made at *Westminster* 13 *Edward*, we find this recited in the Preamble to the Statute of *Merchants*; and is expressly said to be made by the King and his Council, in a Parliament held at *Acton-Burnel* after *Michaelmas*, in the 11th Year of his Reign. We have another Authority in *Prynne's Collections*, p. 311, &c. where you find an Act in Favour of the Bishop of *Durham*, dated at *Acton-Burnel*, *October* the sixth this Year. *Nicholas Trivet*, also an antient Writer<sup>c</sup>, mentions two Parliaments, or two Meetings of the same, in the 11th of *Edward I.* post *Festum S. Mich. Salopiæ*, where *David* was condemned; and at *Acton-Burnel*, post *Festum S. Mich.* also. By the Times of Meeting being so near, it seems most probable that the last was only a Prorogation for the Convenience of a great Room.

In the Year 1285 another Parliament was called to meet at *Westminster* after *Easter*; the *Annals of Waverley*, ad An. 1285, say the King marched in Procession thro' *London* to *Westminster*, 11 Kal. *Maii*, and immediately after mentions a Parliament held there, where were made some Additions to the antient Statutes of the Realm, which bear the Title of *The Statutes of Westminster the Second*. The Act called *Circumspectè agatis* was also passed this Session of Parliament in Consequence of the Clergy's Complaints, because they thought their Jurisdiction abridged by some former Statutes and Points to which you have their Complaints at large, printed in the *Councils*<sup>d</sup>; and you will find there likewise two other Sets of Complaints relating to the Proceedings of the King's Courts, with the Answers and Replies. This Statute of *Circumspectè*, &c. was all the Relief they could get, but was by no Means adequate to their Desires.

Anno Regni 13.  
1285.

At Westminster.

We meet with another Parliament, or a Prorogation of the last, at *Winchester* this Year. The *Annals of Worcester* say the King was at *Winchester*, on the Feast of the Nativity of the Virgin, *Sept. 8*, which is confirmed

<sup>c</sup> P. 259, 260. *Nicholas Trivet* died in 1328. *Historical Library*.

<sup>d</sup> From the Register of *Giffard* Bishop of *Worcester*.

King Edward I. firmed by *M. Westminster*; who also writes, That the Statute of *Winton* was then made; but neither one nor other of these Authors mention a Parliament to be there at that Time. The *Annals of Waverley* however are somewhat clearer; and say, That the King being at *Winchester*, about the Beginning of *October* this Year, put out a Statute for curbing the Rogueries of Thieves<sup>t</sup>.

[ 88 ] The next Year King *Edward* went over into *France*, on special Occasions, which detained him three Years in that Kingdom. In his Absence we find that a Parliament was held at *London*, in *February* 1289, wherein *John de Kirby*, Lord-Treasurer, demanded, as he said, by the King's Orders, an Aid for the King's Charges in *France*. But the Parliament answered, by the Earl of *Gloucester*, their Spokesman, 'That they would grant 'nothing unless they saw the King personally present.' Hereupon the Treasurer imposed a Tallage on the Cities and Boroughs of the King's Demesnes<sup>u</sup>. At his Return, which was in *August* 1289, his first Care was to reform several Abuses introduced in his Absence, particularly in the Administration. To that End he called a Parliament, soon after his Arrival, to meet at *Westminster* in *January* following; where the Necessity of reforming such great Abuses being propounded, the Judges were all had under Examination, and, upon a plain Proof of their Extortions, they were fined to pay these following Sums:

Anno Regni 17.  
1289.  
At London.

Anno Regni 18.  
1290.

At Westminster.

The Judges fined  
for Extortion.

Sir *Ralph de Hengham*, Chief Justice of the King's Bench, 7000 Marks<sup>w</sup>.

[ 89 ] Sir *John Lovetot*, Justice of the Common Pleas, 3000 Marks.

Sir *William Brampton*, Justice, the same Sum.

Sir *Solomon Rochester*, Justice of Assize, 4000 Marks,

Sir *Richard de Boyland*, 4000 Marks.

Sir *Thomas Sodington*, 2000 Marks.

Sir *Walter Hopton*, 2000 Marks.

The four last were itinerant Justices.

Sir *William de Sabam*, 3000 Marks.

*Robert Lithebury*, Master of the Rolls, 1000 Marks,

Roger

<sup>t</sup> Rex in Principio Mensis Octobris apud Wyntoniam Statuta quædam edidit ad refranandum Latronum insidias. An. Waverl.

<sup>u</sup> Chron. T. Wykes, p. 117.

<sup>w</sup> Chron. T. Wykes, p. 118. Chron. de Dunstable. Daniel's History.

*Roger Leicester*, 1000.

King Edward I.

*Henry de Bray*, Escheator and Judge for the *Jews*, 1000.

*Sir Adam de Stratton*, Chief Baron of the Exchequer, according to some, (to others, only Chief Clerk of the Courts) no less than 34,000 Marks.

And *Sir Thomas Wayland*, Chief Justice of the Common Pleas, who was found the greatest Delinquent, had all his Goods and whole Estate confiscated to the King, and was also banished for ever out of the Kingdom.

An ingenious Historian \* observes, that if the last Forfeiture was but equal to *Sir Adam Stratton's* Fine, all the Fines together make near 100,000 Marks; a mighty Treasure, adds he, to be gotten out of the Hands of so few Men, if it were not probable that the Fewness of Lawyers in those Days made their Practice more advantageous even in those less-litigious Times †.

From this Time the Judges were obliged to swear, at the Entrance into their Offices, that they would take no Money or Present of any Kind, except a Breakfast, from such Persons as had Suits depending before them.

A very learned Gentleman, who has favoured us with his Remarks on the Parliaments in this particular Reign ‡, says, ‘ That the King, soon after his Return from *France*, called a Parliament to meet in *January* following, and consequently in 1290, 18 *Edw. I.* The Affair of the Judges is placed by all our Historians in 1289; nor does it appear to me, he adds, to have been done in Parliament. *Tho. Wykes*, after mentioning the King's having summoned the Parliament to meet on the Feast of *St. Hilary*, [1290] goes on and mentions a Proclamation, That all those who had received any Injuries from his Judges, Sheriffs, or other Officers, should personally lay their Complaints before the appointed Parliament, where they should receive ample Justice (*Justitiæ Complementum*); and immediately after says, *sane quidam* [*s. quidem*] *Summus Justiciariorum de Banco*, and so relates the Crimes and Punishments of the Judges; but, adds our Commentator, upon carefully reading all  
*Wykes*,

\* *Sam. Daniel*.

† There were but two Judges out of the whole Bench that were not found faultv, viz. *John de Metingham* and *Elias de Bevingham*. *Hollingshead's Chron.*

‡ The late *Robert Hoblyn, Esq;* Member for *Bristol*.



King Edward I. *Wykes*, I can find no necessary Inference that the Judges were punished in, or by, Parliament.

The *Annals of Waverley*, ad An. 1289, speaking of the King's Return, say he found great Injustice had been done in his Absence, and great Complaints were made; *cito post Parlamento apud Westmonasteriensis omnium Procerum convocato, omnes Justiciarios ob Officiis amovit*; but this is placed in 1289; nor can it, I think, from these Words, or from those in *Trivet*, who says, *auditis Querimoniis, &c. Rex omnibus exhibens Justitiam, Justiciarios fere omnes, de Falsitate deprehensos, a suo Officio deposuit ipsos, juxta Demerita puniens gravi Multo. Tenuit hoc Anno Parliamentum, &c.* be enforced to be done in Parliament.

The *Annals of Worcester* are silent both as to the Judges and the Parliament; and *Hemingford* mentions only the latter, and takes no Notice of the Judges: But the *Annals of Dunstable* are very full in the Affair of the Judges; and what I find in those *Annals*, concludes our Annotator, inclines me still to think that it was no Parliamentary Transaction; but an Exercise of the Regal Power without them.—But now to our real Parliamentary Proceedings.

It does not appear, from either Histories or Records, that the Commons, that is the Burgeses, were called up to this Parliament. The Writs directed to the Sheriffs were to return two or three of the most discreet Knights for each County, and were dated June 14, 18 Edw. I. [1290] but no Mention of any Citizens or Burgeses. Indeed the Controversy about this Parliament, and what these Knights were to do, takes up so large a Space in *Brady* and *Tyrrel*, that we must refer such of our Readers, curious enough to enter into their Disputes, to these Authors themselves, it being the Purport of this History to relate Facts as they happened, and not enter into any Cavils about them.

It appears that there were no less than three Parliamentary Meetings this Year; but whether by Prorogation, or new Calls, we know not. The first at *Westminster*, in January 1290, according to *Wykes* and the *Annals of Dunstable* <sup>2</sup>. The second, *post Pascha*, 1290, according to *Hemingford* and the aforesaid *Annals* <sup>2</sup>, also by

<sup>2</sup> *An. de Dunstable*, published by T. Hearne, p. 563.

<sup>a</sup> *Idem*, p. 582, &c.

by the Statute *Quia Emptores Terrarum*, &c. dated at King Edward 1. Westminster after Easter, to wit, in the Quinzieme of St. John Baptist. The third Meeting was soon after the last, when the Knights were called, and attended; they were summoned to appear in three Weeks after St. John Baptist. The two last of these Meetings, says an Author <sup>y</sup> of great Credit, were, by Adjournment, to two Towns; the one in the County of Bucks, the other in Northamptonshire <sup>z</sup>.

An Affair of Consequence came before this Parliament, which was the entire Banishment of the Jews out of the Kingdom. The Nation had long desired it, but the Jews still found Means to divert the Blow, by large Presents to the King and his Ministers. They wanted to play the same Game again now, but could not do it, the King being unable to protect them any longer, and unwilling to risque the disoblighing his Parliament on their Accounts. Accordingly the Act of Banishment was passed, whereby their immoveable Goods were confiscated; but they had Leave to carry away the rest with them. [ 90 ]

There seems to be two different Transactions, in this Parliament, relating to the Jews; one to restrain their Usury, &c. and the other to ordain their Banishment. Lord Coke in his *Institutes*, on the Statute *de Judaismo*, asserts the one, and the last is proved by the Act made on purpose for it <sup>a</sup>. The Number of these banished Jews, according to *Mat. Westminster*, were 16,160; and the Parliament were so well pleased to get rid of these Extortioners, that they readily and willingly granted the King an Aid of a Fifteenth, and the Clergy a Tenth, out of all their Moveables; and joined with the Laity in granting a Fifteenth of all their Temporalities, up to their full Value, to make the King some small Amends for the great Loss he sustained by the Jews' Exile. The King

<sup>y</sup> There are no less than forty-six different Pleadings in *Ryley*, on Petitions, &c. on private Business transacted in this Parliament, and at two Adjournments of it, to *Cliffon* and *Asbruggs*. The same Author has given several Pleadings, on private Property, at a Parliament held at London, the Day after *Epiphany*. in the 20th Year of this King; but we find no Mention of it in any Historian whatsoever. *Ryley's Placita Parl. An. 18 and 19 Edw. 1.*

<sup>z</sup> *Cliffon* and *Asbruggs*. There are two Towns of the same Name in each County; only the latter, in the *Nomina Villarum*, is spelt *Asbridg*.

<sup>a</sup> See *Statutes at large*.

**King Edward I.** King was not ungrateful, neither, in his Remembrance of the Parliament's Benevolence to him at this Time; for, several Years after, viz. in the 34th of his Reign, when he demanded an Aid for knighting his eldest Son, and carrying on the War with *Scotland*, he exempted all those Persons from paying it, who had contributed towards the Fifteenth granted to him by Parliament for the Expulsion of the *Jews* in the 19th Year of his Reign<sup>d</sup>.

To conclude the Business of this Parliament; the King had an Aid granted him for the Marriage of his eldest Daughter, called *Joane de Acres*, from the Place of her Birth, to *Gilbert Earl of Gloucester*, a Nobleman of vast Lands and Possessions. This Aid, however, was not levied till long after it was granted; and there is a Writ to the Sheriffs for collecting it in *Rymer*<sup>e</sup>, dated at *Westminster* some Years after, occasioned by the long and tedious Proceeding in the Court of *Rome*, to gain a Dispensation in regard of the Princess's near Consanguinity to the Earl's first Wife. Lastly, you have, in the *Annals of Dunstable*, a Record, dated at *Westminster*, May 27, this Year, by which it appears that the Statute *de Quaranto* was made, or granted, by this Parliament<sup>f</sup>.

The Scots Crown being in Contest, Edward acts the Arbitrator.

*Edward* having now his Coffers full of Money by all the aforesaid Fines of the Judges, Confiscations, and Taxes, began to turn his Thoughts on gaining a Conquest much greater than the last, and to unite the Crown of *Scotland* to his own. Upon the Death of *Alexander* the Scots King, and his Granddaughter *Margaret*, without Heirs, the Crown of that Kingdom fell into Controversy. No less than twelve Competitors started at once, who were all descended from *David Earl of Huntingdon*, the younger Brother of *William King of Scots*, who was Grand-

<sup>d</sup> Et quod in taxando Bona predicta, excipiantur omnia quæ in Taxatione 15ma, a Communitate Regni D. Regi, Anno Regni sui 19, concessa, propter Exilium Judeorum, fuerunt excepta. Petyt's Rights of the Commons, p. 172, in Appendix.

<sup>e</sup> *Fæd. Ang. Tom. II. p. 912.* By this Writ it seems as if the Commons were not called to this Parliament. The Words are, *Sciatis quod cum primo Die Junii, An. Reg. nost. 18, Prelati, Comites, Barones, et ceteri Magnates de Regno nostro, concorditer, pro se et tota Communitate ejusdem Regni, in pleno Parlamento nostro, nobis concesserint xl Solidos, de singulis Fædis Militum in dicto Regno, ad Auxilium de primogenitam Filiam nostram maritandam, levari sicut hujusmodi Auxilium alias in casu consimili concessum levari consuevit; cujus quidem Auxilii levationi faciendæ, pro dictæ Communitatis Aisamento bucusq; supersedimus gratiose.—Assignavimus, &c.*

<sup>f</sup> *Annales de Dunstable p. 582.*

Grandfather to the late King *Alexander*. *Edward*, pre- King *Edward I.*  
tending a Right of Superiority over that Kingdom from  
his Ancestors, undertakes to decide the Quarrel. The  
Regency of *Scotland*, to avoid greater Inconveniences,  
were forced to make him Arbitrator, and the six chief  
Competitors to stand to his Award. *John Baliol*, Lord  
of *Galloway*, and *Robert Bruce*, Lord of *Annandale*,  
both descended from the aforesaid *David*, had the plainest  
and most indisputable Claim. How *Edward* play'd his  
Cards in the managing his real Intention betwixt these  
two Claimants, is told at large in most or all of our  
Historians, and is needless here. But somewhat is ne-  
cessary to premise concerning this *Scots* Affair, because  
the Course of our Parliamentary Inquiries is very much  
concern'd in it.

[ 91 ]

The first Step that *Edward* took in this Matter was a  
peaceable one, which was to insure the Succession of the  
Kingdom of *Scotland* to his Posterity, by a Marriage be-  
twixt his eldest Son, Prince *Edward*, and *Margaret*,  
Daughter of *Eric* King of *Norway*, by *Margaret* the  
only Daughter of *Alexander*, who was, at her Grand-  
father's Death, the undoubted Heiress to the Crown of  
*Scotland*. The King sent Messengers into *Norway* to  
treat about this Marriage, and *Eric* gave his Consent so  
far as it was consistent with the Desires of the *Scots* No-  
bility, &c. and the Good of that Kingdom. The Ar-  
ticles on which this Marriage was to have been consum-  
mated are at Length in *Dr. Brady*, and are unnecessary  
here. But this grand Design was totally frustrated by  
the Death of the young Queen of *Scotland*, in her  
Voyage towards *England* for that Purpose, which left  
the Field open for the rest of the Competitors to pursue  
their separate Claims.

*Edward* now had another Game to play; and that  
was to pretend a Right to an absolute Dominion over  
the Crown of *Scotland*, in Case of such an Accident,  
and to set up himself as Umpire in the several Contests  
for that Crown. To that End he summoned a Parlia-  
ment to meet at *Norham*, on the Confines of the two  
Kingdoms; and on the 10th of *May*, 1291, by the  
King's Command, the Nobility, Prelates, Knights, and

Anno Regni 20.  
1291.

At *Norham*.

VOL. I.

G

many

She was called the Maid of *Norway*, Queen of *Scotland*. *Buchan*.



King Edward I. many others of both Kingdoms, met at that Place <sup>h</sup>; where Roger Brabanzon, or Brabaran, Chief Justice of England, in the Presence of a public Notary, and Witnesses purposely called, in the King's Name, told them that, 'He taking Notice in what Confusion the Nation ' had been since the Death of *Alexander*, their last King, ' and his Children, (out of the Affection he had for them ' and all the Inhabitants thereof, whose Protection and ' Safeguard was well known to belong to him, and for ' the doing Right to all that claimed the Kingdom and ' the public Peace; to shew them his Superiority and ' direct Dominion, out of divers Chronicles and Monu- ' ments, preserved in several Monasteries) purposed to ' use his Right; but yet to do Justice to all, without ' Usurpation or Diminution of their Liberties, and to ' demand their Assent to, and Recognition of, his Supe- ' riority and direct Dominion over them.'

[ 92 ] The Chief Justice having ended his Harangue, and the Scots Lords there present understanding his Meaning, they required Time to consult with such of their several Orders as were absent; which the King granted them to the next Day only. Accordingly the next Day, May 11, they all met again in the Church of *Norham*, and then they earnestly pressed the King to give them longer Time to consult with such as were absent, and answer to his Demands concerning their Recognition of his Superiority and direct Dominion over the Realm of *Scotland*, which he had claimed as his Right <sup>i</sup>. Upon Deliberation, the King gave them Time till the 2d of *June* next, and on that Day, precisely, they were to answer to his Demand; and if they had any Evidence, Writings, or Antiquities, which could exclude him from his Right aforesaid, or overthrow his Reasons and Arguments for it, they were then to exhibit and shew them; protesting he was ready to allow them what the Law permitted, and would do what was just and equitable.

And that they might the better understand his Title, and make their Objections against it, the Bishop of *Durham* <sup>k</sup> was appointed to declare it to the Nobility and Pre-

<sup>h</sup> *Congregatis apud Norham, ad Regis Mandatum, utriusque Regni Nobilitas et cum Prelatis, Militibus et per pluribus aliis in Multitudine copiosa.* Mat. Westm. sub hoc Anno.

<sup>i</sup> *Quod dicebat esse Jus suum.* Mat. Westminster.

<sup>k</sup> *Anthony Bech.*

Prelates there present. The Declaration he made, and King Edward I.  
 the Arguments he used, were historical, and taken from  
 the Manuscripts of *Marianus Scotus*, *William of Malm-*  
*sbury*, *Roger de Hoveden*, *Henry de Huntingdon*, *Ralph*  
*de Diceto*, and the *Chronicle of St. Alban's*, [which is  
*M. Paris*] 'That the *Scots* had been conquered by seve-  
 'ral of our *Saxon* Kings; that several of their Kings had  
 'submitted to them, sworn Fealty, done Homage, and  
 'received the Crown and Kingdom from them; and  
 'that the *Scots* had also submitted and been governed by  
 'such Kings as the *English-Saxon* Kings had given that  
 'Kingdom to, and placed over them; that after the  
 'Conquest the very same Things had been done, sub-  
 'mitted to, and complied with, in the Reigns of *Wil-*  
*liam I.* and *II.* *Henry I.* *Stephen*, *Henry II.* *Richard I.*  
*John*, and *Henry III.*'

[ 93 ]

Thus this Affair stands in our first Edition of this  
 Work; but we have since seen a Copy of this Instrument,  
 at large, collected and printed by the voluminous Mr.  
*Prynne*; and large it is, indeed, being contained in many  
 Sheets of a huge *Folio* Volume, with a Preface to it drawn  
 up by himself. The Curious may perhaps not be dis-  
 pleased if we give them a Taste of this Performance, and  
 shew them that our Great King *Edward* deduced his  
 Claim to the Dominion of *Scotland*, a *nubibus*, as it were;  
 that is, from the Times of the High Priesthood of *Judea*  
 under *Eli* and *Samuel*; and that the idle dreaming Story  
 of *Brute* and his *Trojans* was at that Time authenticated  
 and made real, by the whole Legislative Power of *Eng-*  
*land*. An Abstract from the Preamble to this may be seen,  
 by those that please to read it, under this Note <sup>1</sup>.

G 2

After

<sup>1</sup> *Imprimis, Qualiter sub Temporibus Eli et Samuelis Prophetæ Vir qui-*  
*dem strenuus ac insignis, Brutus Nomine, de Genere Trojanorum, post Exci-*  
*dium Urbis Trojæ, cum multis Nobilibus Trojanorum in quandam Insulam*  
*tunc Albion vocatam, a Gigantibus inhabitatam; quibus sua et suorum de-*  
*viatis Potentia et occisis, eam Nomine suo Britanniam, sociosque suos Bri-*  
*tones appellavit. Et ædificavit Civitatem quam Troinovantum noncupa-*  
*vit, quæ Modo Londonia appellatur. Et postea idem Brutus dictam Insulam*  
*in tres Partes dividens, eam tribus suis Filiis reliquit possidendam, Logrino,*  
*vide licet, Albinaſto et Cambro: Logrino vero quia primogenito illam Par-*  
*tem Britanniæ quæ nunc Anglia vocatur, cum Superioritate et Dominio Par-*  
*tium aliarum; Albinaſto verò secundo suo nato illam Partem Britanniæ,*  
*quæ nunc a Nomine Albinaſti Albania dicta, nunc verò Scotia noncupatur;*  
*Cambro verò tertio suo Filio Partem illam quæ tunc suo Cambria, nunc verò*  
*Wallia, vocatur; reservato tamen Logrino seniori regia semper Dignitate.*  
*Potebat enim Trojana Conſuetudo quod Dignitas Hereditatis Primogenito pro-*  
*veniret. Biennio verò post Mortem Bruti applicuit in Albinia quidem Rex*  
Hun-

King Edward I. After the King of England's Title to the Dominion of Scotland had been thus declared and published, on the second of June the Bishops, Prelates, Earls, Barons, &c. representing the whole Community of Scotland, met, in order to make the best Claim they could to their own Country, says our Authority, in a green Plain on the Banks of the Tweed, directly opposite to the Castle of Norham, where Edward then resided<sup>m</sup>. To them was sent the Bishop of Bath and Wells<sup>n</sup>, to demand, in the King's Name, 'What they had done since the last Meeting, and whether they would say, exhibit, pro-  
'pound, or shew any Thing that could or ought to ex-  
'clude the King of England from the Right and Exer-  
'cise of the Superiority and direct Dominion over the  
'Kingdom of Scotland; and that they would there and  
'then exhibit it, if they believed it was expedient for  
'them; protesting, in the King's Name, that he would  
'favourably hear them, allow what was just, or report  
'what was said to the King and his Council; that upon  
'their Deliberation they might do what Justice requir'd.'

[ 94 ]

Upon repeated Demands on this Matter, the Scots answered nothing; whereupon the Bishop recapitulated all that had been said, at the last Meeting, relating to the King's Claim; and a Public Notary being present, the Right of deciding the Controversy between the several Competitors for that Kingdom, was entered in Form for the King of England.

After which the said Bishop, beginning with Robert Bruce, Lord of Annandale, and one of those that claimed the Right of Succession to the Crown of Scotland, he asked him, in the Presence of all the Bishops, Earls, Barons, &c. 'Whether, in demanding his said Right, he  
'would answer and receive Justice from the King of  
'England, as superior and direct Lord over the King-  
'dom.

Hunnorum, Nomine Humber, et Albinaetum Fratrem Logrini occidit. Quo audito Logrinus Rex Britannorum persecutus est eum, qui fugiens submersus est in Flumina quod de Nomine suo Humber vocatur, et sic Albinia revertitur ad dictum Logrinum. Hæc autem in Historia Bruti. Item in Cbroniciis Mariani Scoti, Rogeri de Hoveden, &c. &c. Prynne's Supreme Jurisdiction, &c. Vol. III. p. 490, 491, &c. Folio, Lond. 1670.

<sup>m</sup> Congregatis ex opposito Castri de Norham, ex alia Parte Fluminis Tweedæ in quodam Area viridi, Episcopis, Prelatis, Comitibus, et Baronibus, aliisque Nobilibus Viris, Jus ad dictum Regnum vendicantibus, &c. Rot. de Superioritate Regis Ang. in Turri Lond. Vide Brady's Complete History, Vol. II. p. 19.

<sup>n</sup> Robert Burnet.

'dom of Scotland?' Who presently, publicly, openly, <sup>King Edward 1.</sup> and expressly, in the Presence of them all, and the Public Notary, none contradicting or gainsaying, answered; 'That he did acknowledge the King of *England* superior and direct Lord of the Kingdom of *Scotland*, and that he would, from and before him, as such, demand, answer, and receive Justice.'

The Bishop then proceeded with all the other Competitors in like Manner, who had the same Question put to them, and received from them the same Answer; and they did not only make this public Recognition, but they all joined in Letters Patent to the King to corroborate the same <sup>d</sup>.

The Consequence of all this was, that the Affair of the Succession to the Crown of *Scotland* was debated by Commissioners of both Nations to the Number of Four-score in all; and the King was to give Judgment according to Equity and Justice. The Disquisition of this Matter is amply taken Notice of by most of our more modern Historians; and as the *English* Parliament had yet nothing to do with the Controversy, it is unnecessary here. But at the Time that *Edward* had appointed to give Sentence in this weighty Affair, a full Parliament was summoned to meet at *Berwick* upon *Tweed*<sup>e</sup>, where all the Commissioners appeared, as well as all the Candidates, by themselves or Proxies. The Competitors were, *Eric* King of *Norway*, *Florence* Earl of *Holland*, *William de Vesey*, *Patric de Dunbar*, *William de Ros*, *Robert de Pinkeny*, *Nicholas de Saules*, *Patric Golythly*, *John Baliol*, and *Robert Bruce*. All, except the two last, declared that they did not intend to prosecute their Claims any further, and withdrew their Petitions: Upon this the King declared that they had no Pretensions to the Crown of *Scotland*. *John Comyn* and *Roger de Mandeville*, not appearing to maintain their Claims, they were likewise rejected. After which the King pronounced, that *John Comyn*, *John de Hastynghes*, and *Robert Bruce*, who had each of them claimed a Right of

Anno Regni 20.  
1292.

At *Berwick*.

[ 95 ]

G 3

<sup>d</sup> These Letters Patent are preserved in *Matthew Westmister*, and in *Brady's Complete History*, Vol. II. App. No. ii.

<sup>e</sup> See the Sentence at large in *Rymer's Fœdera Angliæ*, Tom. II. p. 588. *Apud Berwyk super Twedam, in Aula Castri ejusdem Ville, in pleno Parlamento, &c.*



King Edward I. a third Part of the Kingdom, had no Right to any Part, because the Kingdom of *Scotland* could not be divided.

*John Baliol* declared in Parliament King of *Scotland*,

There were no Claimants remaining now but only *John Baliol*; and he was accordingly declared, in full Parliament, to be the only Person that had a Right of Possession<sup>f</sup>. *Edward* therefore adjudged the Crown of *Scotland* to him; saving, however, to himself and Successors, the Right of prosecuting their Pretensions to the said Kingdom, whenever they thought proper<sup>g</sup>. Then he addressed himself to the new King, and told him, 'That he should take Care to govern his People with Equity, lest, for want of executing Justice, the Sovereign should be obliged to make use of his Right to redress their Grievances.' After this he appointed him the *Thursday* following to swear Fealty, and *Christmas-Day* next to do Homage to him at *Newcastle*; which were both accordingly done in very strong Terms, and with great Solemnity<sup>h</sup>.

And performs Homage to *Edward* for that Kingdom.

[ 96 ]

But the Majority of the *Scots* Nobility, &c. were by no Means pleased with the Award of the King of *England*, and blamed him highly for his Partiality in the Affair. Besides, they began now to smell out *Edward's* Design; which was to embroil their Nation in a Civil War, and to make his own Advantage of it; for tho' *Baliol's* Title to the Crown seemed to be the strongest, yet *Bruce* was the greater Favourite of the Nation. But whether *Edward's* first Design was an entire Conquest of *Scotland*, or only to establish the Supremacy of the *English* Kings over that Nation, we find is a Question not clearly answered by our Historians. The *Public Acts* have given us a Proof, that *Edward's* Claim to Supremacy over *Scotland* was not well grounded: For, except the Homage done by *William*, the *Scots* King, to *Henry II.* as mentioned before, there was never any other Proof of Homage made by the Kings of *Scotland* for the whole Nation. As a Testimony of this, the Col-

<sup>f</sup> *Baliol* was descended from the eldest Daughter of *David* Earl of *Huntingdon*, whereas *Bruce* sprung only from the second. The Custom, as well of *England* as *Scotland*, was, that the Descendant of the eldest Daughter, tho' more remote, was preferable to a nearer coming from the younger. *Brady*.

<sup>g</sup> *Salvo Jure ejusdem Domini Regis Angliæ, et Hæredum suorum cum voluerunt inde loqui.* Rymer's *Fœdera Angliæ*, Tom. II. p. 589.

<sup>h</sup> *Apud Novum Castellum super Tynam, in Aula Palatii ipsius Domini Regis infra Castrum, &c.* Ibid. p. 593.

Collection aforeſaid gives us an Inſtrument, whereby we find that *Edward's* High Chamberlain having demanded of *Baliol* the Fees due from the Vaſſals when they did Homage, there was no Precedent of them to be found; So that *Edward* was forced to call a Parliament at *Weſtminſter* ſoon after, where, by their Advice, he fixed the Fees at Twenty Pounds Sterling; which was double the Sum paid by an Earl on the like Occaſion <sup>1</sup>.

It was not long after this that *Baliol* found the bad Effects of his Subjection, being often ſummoned to appear before *Edward* in Perſon, on the bare Complaints of private People; by which he was become rather the abſolute Slave than Vaſſal to the King of *England*. And, in a Parliament held about *Michaelmas* 1293, this King of *Scotland* was obliged to ſtand at the Bar, like a private Perſon, and answer to an Accuſation brought againſt him for denying Juſtice, and imprifoning the Earl of *Fife* <sup>k</sup>. This was a great Mortification for a Crown'd Head, but *Edward* was bent upon ſhewing him, by this Conduct, what he was to expect from him for the future. *Baliol*, in Plea to the Accuſation, alledged that, as it concerned his Crown, he could not answer to it without firſt adviſing with his Subjects <sup>l</sup>. This Excuse not being deemed valid, the Parliament ordered that three of his principal Caſtles ſhould be ſeized into the King's Hands till he gave full Satisfaction <sup>m</sup>. The *Engliſh* Authors affirm, that, before the Sentence was pronounced, *Baliol* preſented a Petition, acknowledging the Sovereignty of the King of *England* over *Scotland*, and praying *Edward* to allow him Time till he could conſult his Parliament <sup>n</sup>. As ſoon as he had ſtoop'd ſo low as to petition, his Demand

[ 97 ]

<sup>1</sup> Rymer's *Fæd.* Tom. II. p. 600.

A Copy of this Award is alſo amongſt the Parliamentary Records, in Lord *Wilmington's* Copy of them, from Rot. clauſ. 22 *Edw.* 1. m. 8. dorſo.

<sup>k</sup> *Buchanan* pretends that it was by Accident that *Baliol* happened to be in that Parliament: His Words are, 'As *Baliol* was caſually ſitting by *Edward* in the Parliament-Houſe, and when he was called would have answered by a Proſter, it was denied him, ſo that he was forced to riſe from his Seat, and to plead his Cauſe from a lower Place.' *Buchanan's Hiſtory of Scotland*

<sup>l</sup> The whole Proceſs, after the Summons, of this Matter, relating to *Maceduff*, the Son of *Malcolm* Earl of *Fife*, is at large in *Ryley's Placita Parliamentaria*, p. 192, &c.

<sup>m</sup> The Caſtles were thoſe of *Jedburgh*, *Berwick*, and *Roxburgh*. Rymer.

<sup>n</sup> The Petition was made by his own Mouth, before the King and Council, and delivered in Writing. The Form of it is in *Ryley's Placita Parliamentaria*, p. 159, in *French*, tranſlated by *Tyrrel*, Vol. II. p. 76.

King Edward I. mand was granted, and a certain Day was assigned him to appear. The Scots King went back into his own Country, but so incensed at the Affront he had received, that he was bent upon trying all Means to free himself from so intolerable a Yoke.

But, while we are thus attending Scots Affairs, we must not forget the *English*; and we find in our Statute Books some Laws that were made in the Year 1290, 20 Edw. I. The first is

The Statute of Vouchers, &c. by his Counsel ordained, that from henceforth, that is, from the Feast of St. Hilary, the 20th Year of his Reign.—*Sine Loco*.

2. Statute of Waste.—The King in his full Parliament holden the Day after the Feast of Purification, the 20th Year of his Reign.—*Sine Loco*.

3. Statute of defending Right.—Done in full Parliament, Monday next after the Feast of Purification, the 20th Year of his Reign.

None of these Statutes mention the Place where they were made. There are two Acts of State, in Rymer, of this Year; the one of Jan. 2, the other of March 26, both dated at *Westminster*; but whether in the Time of this Parliament or not, is uncertain. There is also, in the Margin of the Manuscript of the *Annals of Dunstable*, from which T. Hearne published his Edition, [p. 598] a Memorandum to this Purport, *Hoc placitatur coram Rege, et in Parlamento suo Termino Hilarii, An. 20 Ed. I. Rot. 14*, which agrees with the above Dates, as also with what is quoted from Ryley, at Note <sup>v</sup> [p. 90, 95] above <sup>a</sup>; and this is all the Information we can get from old Historians about this Parliament.

The next Year, which was the 21st of Edward I. 1293, we have some Evidences of another Parliament being held, wherein two other Statutes were made, as appears by *Rastall*: One, the Statute of Persons to be put in Affizes, in his Parliament holden in the Term of St. Michael, the 21st of his Reign; the other, the Statute of Trespasses in Parks, in his Parliament after Easter, in the 21st Year of his Reign, at the Instance of the Nobles of the Realm.

The *Annals of Dunstable* mention this Parliament held after Easter this Year at London; and Tho. Wykes

<sup>a</sup> See also Note <sup>l</sup> [p. 96, 103]. speaks

speaks of a great Assembly, *Colloquium*, at the same <sup>King Edward I.</sup> Time. The other Historians are silent. Mr. Ryley indeed gives us several Pleadings, which he says were in a Parliament held this Year, after *Easter*, *apud London*, in *Manerium Archiepiscopi Eborum*; but since Parliaments about this Time come so fast upon one another, we know not what to fix on for these Transactions <sup>a</sup>

In the 22<sup>d</sup> Year of this King we meet with another Parliament, or great Assembly, which was very remarkable in its three distinct Summons <sup>b</sup>. The first to *Westminster*, soon after *Whitsuntide*, to the Nobility; the second of the Bishops and Clergy at *Westminster*, in *Festo S. Matthæi*; and the last, in *Craftino S. Martini*, of the Laity. The Writ for summoning the Clergy is extant in the *Public Acts*, Tom. II. p. 652, dated at *Portsmouth*, *August* 19, this Year; wherein not only the Bishops and Abbots, but the whole Convocation were summoned.

Our oldest Historians mention this Parliament with some Variation; the Times were very much confused, and consequently the Writers of them could not be much better. Probably the *Scots Wars*, which began about this Time, occasioned this Inconsistency amongst them; and as those Wars are very connective with our Parliamentary History, we shall follow them as closely as the Nature of our Subject will bear. *John Baliol*, the new King of *Scotland*, was greatly incensed against King *Edward* for his last ill Treatment of him, as has been said, and therefore resolved to shake off his Yoke as soon as possible; and about this Time an Accident happened which encouraged him greatly in his Revolt.

The King of *France* had, by a Stratagem, seized upon the District of *Guienne*, in *Normandy*, on so slight an Occasion as a private Quarrel betwixt some *English* and *French* Mariners. *Edward* acquainted this Parliament with the Loss of *Guienne*, and the ill Usage he had received from the *French* King. *John*, King of *Scotland*, was present at this Parliament; and, when they were told by *Edward's* Ambassadors the shuffling Answers they had from the *French* King, it was unanimously resolved

<sup>a</sup> Ryley's *Placit. Parl.* p. 114.

<sup>b</sup> Archbishop *Wake*.

*Circa Pentecosten. Annales Wygorn.*



**King Edward I.** resolved to recover the Duchy of *Guienne* by Force of Arms <sup>p</sup>. *John Baliol* himself granted to *Edward*, towards the Expence of this War, the Revenues of his Paternal Estate in *England* for three Years; a Copy of his Countenance only for that Time. For,

**Scotland revolts;** Notwithstanding this Concession of the *Scots* King, he hoped for greater Advantages from this Rupture; and accordingly he concluded a secret Alliance with the King of *France*, and promised to invade *England* as soon as *Edward* transported his Armies abroad. *Edward* got Intelligence of this Plot, contrived against him at *Paris*, by Means of Prince *Edmund* his Brother, who was just returned from thence; and therefore the King asked an Aid from both Clergy and People, to enable him to raise Forces to withstand these dangerous Enemies. On which the Laity readily gave the King a Tenth of all their Goods, except some small Jewels; but the Clergy more liberally and chearfully <sup>d</sup> gave him one Half of theirs, indistinctly, according to the Taxation made by the Bishops of *Winchester* and *Lincoln*. The Merchants also of the Realm contributed a Seventh of their Goods for the same Purpose <sup>e</sup>.

This liberal Grant to the King from the Clergy did not, however, save them from further Depredations; for, very soon after, he made a Seizure of all the ready Money and Treasure he could find deposited in Churches, Monasteries, &c. throughout *England* in one Day <sup>f</sup>; by which he must have amassed a vast Sum: And being flushed with these Acquisitions, *Edward* defied all his Enemies; and sent two *Dominican* Friars into *France*, to renounce all Homage to the King thereof, which was due to them from the Kings of *England*, since the Time of the Conquest. The original Message in *French* is in the *Public Acts*, ad *Ann.* 1294, but without any Date.

Other Writers, and those Monks too <sup>g</sup>, tell you that the Clergy were not so free in making so large a Grant

as

<sup>p</sup> *Mat. Westminster, sub hoc Anno.*

<sup>d</sup> *Liberaliter & gratanter.*

<sup>e</sup> *Annales Wygorn.* p. 515. *de Dunstable,* p. 622, 623.

<sup>f</sup> *Hemingford,* p. 43, ad *An.* 1293, 4<sup>o</sup>. *Die Julii, hora 3<sup>a</sup>.* The King seized all their Wool also, and kept it till it was redeemed at a fixed Price.

<sup>g</sup> *Mat. Westminster. Annal, Wygorn.*

as the King demanded of them ; but that when they <sup>King Edward 1.</sup> were debating about it, a certain Knight, called Sir *John Havering*, who had been Governor of *Guienne*, came amongst the Clergy, as they were sitting in the Monks' Hall at *Westminster*, and said, by Authority no doubt, ' Reverend Fathers, if any of you dare to contradict the King's Commands in this Business, let him stand forth in the Midst of this Assembly, that his Person may be known and taken Notice of, as a Breaker of the Peace of the Kingdom.' At which Words they all sat silent, and made no Opposition to the King's Demand, as they had often done in the Time of his Father.

They had the Courage, however, on the Credit of this extraordinary Grant, to ask the King soon after for a Repeal of the *Mortmain Act* ; to which the King answered, *That it was done in full Parliament, and could not be repealed but in another*<sup>h</sup>.

In the Course of this Parliament and of some preceding, we do not find many Traces of what different Members they were composed, the Writs for calling them being lost. The lower Order being mostly compriz'd in the general Word *Populus* ; so *Magnates, Clerus, et Populus*, contains all the three Orders, as delivered down to us by our Monkish Writers. *Prynne*, in his *Register*, Part II. p. 31, mentions two Writs from the King to the Sheriff of *Northumberland* ; [claus. 22d of *Edw. I. m. 6. dorso*] the first dated *Oct. 8*, at *Westminster*, to send two Knights ; the next, *October 9, ibid.* to send two more Knights, who were to be at *Westminster in Crastino S. Martini* ; but no Mention of Citizens or Burgeses. *Dugdale*, in his Summons to Parliament, p. 7, has publish'd the same Writs with *Prynne*, and from the same Rolls, but in different Words ; for he expressly says, *Et de qualibet Civitate, ejusdem Comitatus, duos Crives, et de quolibet Burgo duos Burgeses*. If this last be right, it is somewhat strange that Mr. *Prynne* should miss it, who collected every Thing that

<sup>h</sup> *Walter Hemingsford*, p. 52, &c. *Consilio Magnatum suorum factum erat, et ideo absq; eorum Consilio non erat revocandum.*

It is said that *William Montford*, Dean of *St. Paul's*, had prepared a Speech to work the King to a milder Resolution. The Man seem'd to be very well when he came to Court ; but after he was brought into the Presence, and had begun his Harangue, he sunk down and expired. *Mat. Westminster.*

**King Edward I.** that was in Favour of the House of Commons relating to the Antiquity of that House.—But to return to the History of *Scots Affairs*.—

**King Edward**, as we have said, having got this large Supply from his People, instead of *France*, intirely bent his Mind on the Conquest of *Scotland*, which would be of much greater Importance to him than the other. But to prevent the King of *Scotland's* Designs, he demanded of him the three Castles aforementioned, which *Baliol*, to amuse and gain Time, actually delivered him\*. So says an Act of State in *Rymer*; but, notwithstanding that, it does not appear that the King of *England* had those Castles in Possession till he had conquered all.—*Hemingford*, who is very particular in this Transaction, tells you the Demand of them was despised; and gives us a Copy of the Resignation, or Disclaim of Homage, which he says was delivered to King *Edward* at *Berwick*, after he had taken that Fortrefs by Force of Arms. And being now assured of his Revolt, *Edward* lost no Time with him, but marched his whole Army directly for *Scotland*; and<sup>†</sup> *Baliol*, being certain of Assistance from *France*, bids Defiance to King *Edward*, renounced his Oath and his Allegiance, as unlawfully promised; alledging that it was not in his Power, without the Consent of the States, to do any such Acts.

[ 99 ]

‘ And now, says an Historian<sup>‡</sup>, began the Contests  
‘ between the two Nations, which spilt more Christian  
‘ Blood, did more Mischief, and continued longer than  
‘ any Wars, that we read of, between any two People  
‘ in the World: For all the Kings which succeeded for  
‘ three hundred Years together, even to the blessed  
‘ Union of them by King *James I.* had their Share more  
‘ or less in this Quarrel. And though *England*, being  
‘ much the greater and stronger Nation, had the good  
‘ Fortune often to overcome, yet it was with so great  
‘ Expence of Blood, Time, and Treasure, that what  
‘ she got cost more than it was worth, and was soon  
‘ lost again; the *Scots* being never so fully subdued, but  
‘ that they were soon for recovering their Liberties again,  
‘ and that with Success. So that Providence may seem  
‘ to decree no Union firm between these two Nations,  
that

\* See *Rymer's Fæd.* Tom. II. p. 692. *Walter Hemingford*, p. 83, 84. *Nicholas Trivet*.

† *Sam. Daniel* in *Kennet*.

‘ that was made by Force, but by the milder Way of King Edward I.  
‘ Peace and Succession.’

We shall pursue these *Scots Wars* no farther than is consistent with our Design; sufficient it is to say that *Edward*, in a very small Space of Time, over-run all *Scotland*, and reduced *Baliol*, with the rest of the Nobility, to sue to him for Peace. After which he called a Parliament to meet at *London* the same Year, in order to treat with two Cardinal Legates, who were sent from *Rome* to compose the Differences, if they could, between *England*, *France*, and *Scotland*, then subsisting, and stop the Effusion of more Christian Blood amongst them.

But is again reduced.

Anno Regni 23.  
1295.

At London.

Several old Historians mention this very Parliament, tho’ not at all touched on by the new. The *Annals of Dunstable* tell us, That a Parliament was held at *London*, on the *Kalends of August* this Year, in the Presence of the Legates. *Hemingford* is still more particular; for he says, at which Day, [*viz. Festum S. Petri ad Vincula*] the King, with his Great Men, as well Clergy as Laity<sup>n</sup>, called particularly on the Occasion, met these Cardinals, and received them with great Joy and Honour. The *Annals of Worcester* also mention a Parliament at *London* that met on the Day above said, on Account of the Cardinals; and, lastly, in *Sir William Dugdale’s* Summons to Parliament, you have those to the Barons, at this Time, to meet on the first of *August*, and dated *apud album Monasterium, 23 Die Junii, Anno Regni 23.*

It was the whole Business of this Parliament, as far as we can find, to meet these Cardinals, and hear what they could say in relation to pacifying the Differences, then chiefly subsisting between the Crowns of *England* and *France*; for *Scotland* was very near a conquered Country at that Time: But all their Labour was in vain; for tho’ they came over with three Propositions, either for a Peace, a general Truce, or, lastly, for a Cessation of all Hostilities at Sea, till Articles for a Peace could be framed, they succeeded in no Part of the Business they came for. They were told that the King of *England* had entered into a strict Alliance with the Emperor, and

some

<sup>n</sup> His Words are, *Omnes Magnates, tam Cleri quam Populi*, p. 63.



King Edward 1. some *Flemish* Princes, against *France*; and therefore, without their Consent, he could do nothing<sup>o</sup>.

Anno Regni 23.  
1295.  
At *Westminster*. The same Year, 1295, another Parliament was call'd, or it was by Prorogation of the last, to meet at *Westminster* about the Feast of *S. Martin in Hyeme*; and there is in *Dugdale* the Summons of the Archbishop of *Canterbury*, the Bishops and Proctors of the Clergy, to meet as above, on the *Sunday* after *S. Martin, teste Rege apud Wengham, 30 Die Sept.* The Writs for summoning all the Members to this Parliament are still extant<sup>p</sup>; and *Prynne* has given us the particular Writs for calling the Knights, Citizens, and Burgesses to meet at the same Time<sup>q</sup>. But, it being Winter, and, as we suppose, the more distant Members not being able to get up, they were further prorogued to the *Sunday* before *St. Andrew* following<sup>r</sup>.

The only remarkable Thing which happened in this Parliament, was a Dispute between the King and the Clergy about Taxes. The *Annals of Worcester* are very particular as to what passed between the King, the Archbishops and Clergy, on this Occasion; and, principally, on the Care the King took to secure the Payment of the Taxes laid on the Possessions of the Alien Clergy in *England*. *Mat. Westminster* is yet more exact than the former Authority; for he writes that, on the Eve of *St. Andrew*, [Nov. 29] the King met his Clergy, Great Men, and Commonalty<sup>s</sup>, assembled at *Westminster*, when he told them his Wants, the present State of Affairs, and ask'd a sufficient Supply for the Defence of the Kingdom. The Barons, and others of the Laity, very readily granted the King an eleventh Part of their Goods, as the Year before they gave a Tenth; and of the Merchants he had a Seventh, instead of a Sixth granted last Year. The Archbishops, with the rest of the Bishops and Clergy, went by themselves, and debated of this Matter, when they unanimously agreed to allow the King a Tenth of their Spiritual Revenues. This they offered to the King; but it was refused, and there-

<sup>o</sup> *Mat. Westminster. sub hoc Anno.*

<sup>p</sup> See *Brady* on Boroughs. *Willis's Notitia Parliamentaria.*

<sup>q</sup> *Prynne's Parliamentary Register*, Part II. p. 30. Dated at *Canterbury*, October 3.

<sup>r</sup> *Dugdale's Summons*, p. 10, 11. Dated at *Odymer*, November 2.

<sup>s</sup> *Accersito Clero, Magnatibus, et Populo. M. Westminster.*

therefore they retired to consult further about it. The King *Edward I.* King observing their Obstinacy, sent the Chief Justice of the King's Bench, with the rest of his Brethren amongst them, who said, 'My Lords the Bishops, the King commands you to give him a Third, or at least a Fourth, of your Spirituals; for what you have offered he will not accept of: Therefore, come down and obey the King's Command.' But the Bishops and Clergy were obstinate, and stuck to their first Proposal; nor did they yield when the Lord-Chancellor was sent to them from the King on the same Errand; so that *Edward*, finding them inflexible, was glad to accept their Gift to him on their own Terms. This last, and some former Testimonies of the Clergy's Stubbornness, in disputing his Commands, gave *Edward* Reason to think that he should never rule them, without putting stronger Curbs into their Mouths than had hitherto been. Accordingly we find that something very considerable that Way was now done; for, in the *Councils* of this Year, there is the Writ for summoning the Archbishop of *Canterbury* to this Parliament with the *Præmunientes* Clause in it; which, according to Archbishop *Wake*, was the first Time it had been used in Forms of that Nature.— But to return again to *Scots* Affairs.

King *Edward*, after he had thus settled Matters in Anno Regni 24  
the South, turned his Eyes Northward again, and sum- 1296.  
moned another Parliament to meet at *Berwick* on the At *Berwick*;  
24th of *August*, 1296, in the 24th Year of his Reign. As this Parliament was called to a Town on the Con-  
fines of both Kingdoms, so was it designed to settle and  
secure his new Conquest of *Scotland* upon the most last-  
ing Foundation. Accordingly a very numerous Assem-  
bly of the *English* Nobility and Gentry appeared on this  
extraordinary Occasion. Thither came also the *Scots*  
Nobility, and did their Homage and Fealty to him in a  
most submissive Manner; binding themselves by Letters  
Patent, signed with their Seals, to serve him faithfully  
against all Nations, and to come to his Assistance at any  
Time and Place he should require them: Moreover,  
they all, upon the blessed Evangelists, solemnly swore to  
observe all this before the whole *English* Parliament.  
The Form of these Letters Patent, which were sworn  
to

King Edward I. to singly by all the Scots Nobility, is preserved by Henry Knyghton, Canon of Leicester <sup>u</sup>, in the old Norman or French Language, which we judge deserves a Place in our History; and the rather, because we find them taken Notice of by few other Historians.—The Translation of it is as follows:

[ 100 ]      *To all those whom these Letters shall either see or hear,  
&c. Greeting.*

The Oath of Fealty, taken to King Edward by all the Scots Peers, before the English Parliament.

‘ Because that we are at present under Subjection to the Thrice-noble Prince, and our dear Lord, Sir Edward, by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitain, we do faithfully promise, for ourselves and for our Heirs, upon Pain of Body and Estate, that we will serve him truly and loyally against all Manner of People that may live and die, whenever we shall be required or commanded by our said Lord the King of England, or his Heirs; that we will hinder him from Damage as much as we can, and set upon his Enemies with all our Forces wherever they may be found. And to the End that we may firmly keep and hold these Presents, we do bind ourselves, our Heirs, and all our Goods; and we have sworn to this upon the blessed Evangelists. Besides, all we that are present, and every of us separately, have done Homage to our Lord the King of England in these Words:

*I Will be true and loyal, and bear true Faith and Allegiance, to Edward King of England, and his Heirs, and serve him with Life and Limb, and do him all earthly Honour, against all Manner of People that may live and die; and from henceforth I will not bear Arms, nor be aiding in Counsel, against him, or against his Heirs, on any Cause whatsoever. So help me God and all the Saints.*

In Witness of these Things we have made these Letters Patent, and sealed them with our Seals.

Given at Berwick upon Tweed, this 28th Day of August, in the Year of the Reign of our said Lord the King of England twenty-four.

The

<sup>u</sup> De Eventibus Angliæ, inter Decem Script, col. 2482. They are also in the Fæd. Ang. Tom. II. p. 718.

The Charter of Robert Bruce, and some other Lords, King Edward I. begins thus:

*To all those to whom these present Letters shall come, or bear; Patrick Earl of March and Dunbar; Gilbert de Umfrevile, Earl of Angus; Robert de Bruce, the Elder; Robert de Bruce the Younger; the young Earl of Carrick, Greeting.*

[ 101 ]

‘ **B**Ecause that we now are, and ever shall be, in the Faith and Power of the Thrice-noble Prince, and our dear Lord, Sir Edward, by the Grace of God, King of England, &c.’—The rest in near the same Terms as the former.

This Charter of Submission is also given us in *Hemingford*, omitted in *Rymer*; but the only Particularity in it is the Date, [March 25] some Months before the others, and even before *Baliol*’s Submission, which bears Date on the second of July following. There are two Acts in *Rymer* [p. 714] which seem to confirm this, they are dated at *Roxburgh*, May 14; one to Robert Bruce the Elder, *ad recipiendum Homines de Marchiis ad Pacem*; and the other to Robert Bruce the Younger, *ad recipiendum ad Pacem Homines de Comitatu de Carrick*. And *John Fordun*, the Scots Chroniclar, tells us, That Edward had made some Promises to Bruce, before his Expedition against Scotland.

Edward having received all their Submissions to him in the Manner above, constituted a new Treasurer for Scotland, and ordered a new Great Seal; he also named a new Chancellor and Judges, and ordained that all those who held any of the Royal Demesnes should be called upon to do Homage for the same; and all other Tenants whatsoever should swear Allegiance to him, and own themselves his Subjects; and this to be done by every Man’s written Deed, in perpetual Memory of this Conquest. He made also the Earl of *Warren Custos Regni Scotiæ*. Lastly, the King also willed and ordained, in this present Parliament, that *John*, late King of Scotland, both the *John Comynes*, with the rest of the Scots Nobility, should go with him back into England, and remain in those Parts of it which are beyond the *Trent*; and should not return from thence, on Pain of losing their

The King of England appoints a new Ministry for Scotland.



King Edward I. their Heads, untill the War betwixt him and the King of France was entirely finished <sup>u</sup>.

The Conquest of Scotland being thus made, and that Kingdom settled to his Mind, Edward called before him all the Chief Officers, &c. of the Welsh, Irish, and English Armies, who had assisted him in this great Expedition: He returned them his Thanks in a public Manner; and added, that the Crown of England was much beholden, and eternally obliged, to them for their Services: He afterwards dismissed them to go to their own Homes. The King also ordained, that all the Lands which John Baliol and other Lords held on the South of Trent, should be seized into his Hands untill the French War was ended. Afterwards Edward put an End to this Parliament, and issued out Writs immediately for the calling another <sup>w</sup>, which was to meet at St. Edmundsbury in November following. Lastly, the King took his Journey into the South, and the Scots Lords along with him.

[ 102 ]

Anno Regni 24. On the third of November, in the same Year, King  
1296.  
At St. Edmunds- Edward met his Parliament again at St. Edmundsbury. These Writs are still in Being, and are printed both by Prynn and Dugdale; the former giving us those for calling the Knights, Citizens, and Burgessees to this Parliament; the latter, only to the Lords and Clergy; but then these express some Reason for what they were summoned; which was in order to raise Subsidies for carrying on the War against France, which this victorious King had determined to prosecute with the utmost Vigour. The Laymen contributed chearfully to this Expedition, and taxed themselves, the Citizens and Burgessees, an Eighth Penny, the rest of the Laity, a Twelfth.

The Clergy refuse to grant any Subsidy without Leave from the Pope. The Clergy, however, openly refused to give any Thing, and returned the King this Answer to his Demand, That they could neither give nor grant, neither could the King receive any Subsidy from them, without both incurring a Sentence of Excommunication, which was included in the Pope's Bull to that Purpose <sup>x</sup>. The King was much displeased at this Answer, but nevertheless gave them Time to think upon it; and required them to meet him again the Day after St. Hilary, [January

<sup>u</sup> Adbuc H. Knyghton, col. 2483.

<sup>w</sup> Dated at Berawick upon Tweed, Aug. 26, An. Reg. 24.

<sup>x</sup> The Bull is also printed in Rymer, and in the Councils.

January 14] at London; to which Time and Place this King Edward I. Parliament was adjourned.

It is proper here to take some more Notice of the Pope's Bull above-mentioned, because of its extraordinary Nature. It was called *Clericis Laicos* by the French Historians, from the first Words of it; and was dated at Rome, *sexto Kalend. Mart. Pontificatus nostri An. 2<sup>o</sup>*. [1296]. This Bull affected more than the English Clergy; the French thought it was obtained by Complaints from theirs, whom it suited as well as the English, and where it seemed to have made more Noise. We have a great deal about it in the Collection of the *Acta inter Bonifacium Pont. et Philippum Regem*; which was printed at Paris, 1655, an Extract of which is also in Archbishop Wake's *Appendix*. But this arrogant Power the Pope then assumed, of exempting all the Clergy in Christendom from paying any subsidial Taxes for the Support of the Government they lived under, was but of short Duration; for this very Pope, soon after, by another Bull, explained away almost the whole Force of this, and his Successor, Clement V. in 1306, actually repealed it.—But the Reader will soon see what Disturbance this Bull made amongst the Clergy in this Kingdom. For,

The Day of the next Session being come, and the Parliament, with the Clergy, met, Robert de Winchelsea, Archbishop of Canterbury, made the following Speech to his Brethren:

*My Lords,*

‘ IT is very well known to you and all the World, that, under the Almighty God, we have both a Spiritual Lord and a Temporal one. The Spiritual Lord is our holy Father the Pope, and the Temporal, our Lord the King. And though we owe them both Obedience, yet we are under more Subjection to the Spiritual. But, to do all that is in our Power to please both, we are willing to send special Messengers to our holy Father the Pope, at our own Expence, to desire that he would grant us Leave to oblige the King in this Matter; or, at least, we shall have an Answer from him what we ought to do. We do believe, that our Sovereign Lord the King is as fearful of incurring

The Archbishop of Canterbury's Speech on that Occasion.

[ 103 ]

King Edward I. ‘ this Sentence of Excommunication as we ourselves can  
 ‘ be ; so, my dear Lords, we desire that you would  
 ‘ send some select Persons out of your Body, to inform  
 ‘ the King of this Matter ; for we, who know how  
 ‘ much the King is incensed, are quite afraid to deliver  
 ‘ such a Message to him y.’

However, the Clergy thought fit to send two of their own Body, the Bishops of *Hereford* and *Norwich*, to the King ; and there is a Copy of their Credentials in the *Councils*, under the Archbishop’s Seal, at the Request of the whole Body of the Clergy, dated 13 *Kal.* Feb. [*Jan.* 20] and immediately after we have the Denunciation of the Sentence of Excommunication by the Archbishop against the Infringers of the Ecclesiastical Immunities, dated 14 *Kal.* Mar.

The King puts  
 the Clergy out of  
 his Protection,  
 and seizes their  
 Lands.

But we find that the King was not so much afraid of the Pope’s Bull as the Archbishop pretended ; for he had no sooner heard the Clergy’s Answer to his Demand, but he thundered out an Excommunication, indeed, against them all. He immediately put the Archbishop, and the whole Body of the *English* Clergy, out of his Protection and Defence ; and ordered that all their Lands and Possessions, throughout the whole Realm, should be seized to his Use<sup>z</sup>. This Edict had the Consent of the Earls, Barons, and others who constituted this Parliament, which continued to sit whilst all the Bishops were excluded. The Chief Justice of the King’s Bench, *John de Mettingham*, sitting in his Tribunal, says *Knyghton*, pronounced Sentence against the Clergy in these Words :

‘ You that are the Proctors, or Attornies, for the  
 ‘ Archbishops, Bishops, Abbots, and Priors, with the  
 ‘ rest of the Clergy, take Notice to acquaint all your  
 ‘ Masters, that, for the future, no Manner of Justice  
 ‘ shall be done them in any of the King’s Courts, on  
 ‘ any Cause whatsoever ; but Justice shall be had against  
 ‘ them to every one that will complain and require it  
 ‘ of us !’

*O mirabile & inauditum, Auribus horribile !* cries the Canon of *Leicester* ; and others of the Monkish Writers  
 of

y *Hemingford*, *Knyghton*, &c. The last Words of this Speech are,—  
*Nos enim, scientes Indignationem ejus accensam, veremur omnino talia nunciare.*

z *Fecit Rex sigillari omnia Ecclesiasticorum Ostia Horreorum.* Mat. West.

of those Times exclaim as loud against this Proceed- King *Edward I.* ing<sup>b</sup>. The Miseries that the Clergy suffered, along with their Archbishop, on Account of the aforesaid Sentence against them, were very great; insomuch that a poor Vicar or Parson, when they had Occasion to go abroad, were glad to cloath themselves like Laymen, to pass through the Country with Safety; for if they were robbed or spoiled on the King's Highway, they could have no Restitution or Redress. Indeed, the whole Body of them were struck into a dreadful Panic by this Blow; but most of them compounded the Matter with the King for a Fine, and received the King's Letters of Protection; which must have raised a vast Sum of Money in those Days<sup>c</sup>.

But, before King *Edward* transported himself and his Army into *Flanders*, to prosecute the War against *France*, he summoned all Men that owed him Service, and all others that were possessed of Twenty Pounds a-year Lands, let them hold from whom they would, to meet him at *London*. They were to come ready prepared with Horse and Arms to go over with the King, and this without any Excuse or Delay. The Summons was obeyed, and a very great Number of armed Men appeared on this Occasion<sup>d</sup>. It has been said, that some of their Leaders or Nobles then present thought proper to represent to the King, that it was not adviseable for him to go abroad without being first reconciled to the Archbishop: That he took their Advice, and was so far reconciled to the Prelate, that he made him Guardian to his Son the Prince, and, jointly with Sir *Reginald Grey*, left him Regent over *England*. But this is absolutely false; for *Edward* mistrusted him too

[ 105 ]

H 3 much

<sup>b</sup> *Knyghton* goes on, and says, *Communis Justitia quæ omnibus patere deberet, tam Incolis quam Alienigenis, quo Spiritu nescio, Clero Christi denegatur; ancilaturque & servit ac subpremitur ipsa Mater Ecclesia, quæ solebat antiquitus Filiis dominari: Pedes super Caput elevarunt, & quæ solebat cunctis splendescere, fomento Miserationis, jam a Misericordia Dei citur & obfuscatum Umbraculo Crudelitatis.* *Knyghton* inter *Decem Scriptores*, col. 2492.

<sup>c</sup> *William Thorn*, a Monk of *S. Augustin's* in *Canterbury*, says, That their Monastery compounded for 200 *l.* and 200 Quarters of Corn of different Kinds of Grain. *Decem Scriptores*, col. 1965.

The Archbishop stood out against the King in this Matter; left his Palace, and retired with two Servants only to *Chartham*. *Idem*.

<sup>d</sup> *Trivet* and *Hemingford*, both Contemporary Historians, call this Meeting a Parliament. They were called to *London*, August 1, 1297.



King Edward I. much to grant him any such Power, as will better appear in the Sequel, and left the Regency in other Hands<sup>e</sup>. Nevertheless, he restored him all his Lay-Fees, Goods, &c. at the earnest Request of the Prelates of his Province<sup>f</sup>.

The Scots revolt again,

Edward did not prosper so well in this French War as he had done in the last. The Scots took the Advantage of his Absence to revolt; and, under the Conduct of William Wallace, committed great Ravages in England. Things were not quite well at home neither; Edward, before his Departure, had greatly disoblged some of his Lords; of which Humphry de Bohun, Earl of Hereford, High Constable of England, and Roger Bygot, Earl Marechal, were the Chief. These Great Men raised an Insurrection in the King's Absence; by which Means, and by the Revolt of the Scots, the Peace of the Kingdom was much endangered.

Anno Regni 25.

1297.

At Salisbury.

[ 106 ]

The Occasion of this Quarrel is said by some Writers to happen at a Parliament called to meet at Salisbury, in Festo S. Matthiæ, before the King went abroad; at which Meeting the Clergy were totally excluded<sup>g</sup>. The King insisted that most of the Nobility there present should attend him to the French War, but many excused themselves; whereat Edward being greatly moved, he plainly told them that they should go, or he would give their Lands to those that would. The Nobles were very much offended at this Bluntness in the King; and some of the chiefest, viz. the Earls of Hereford and Marechal, told the King that they were ready to attend him if he went in Person, otherwise they would not go. The Marechal added, that if the King went he should willingly attend him in his Wars, and take his hereditary Post in the Vanguard of the Army. But, says the King, *you shall go, whether I do or not.*

I

<sup>e</sup> See Rymer's Fœd. p. 791, de Edwardo Filio Regis Locum tenente in Anglia.

<sup>f</sup> The Act of Restitution to the Archbishop is printed in Prynne's *Parl. Reg.* Vol. III. p. 721, from claus. 25 Edw. I. m. 12, dated July 11, at Westminster; previous to which are Compositions of, and Protections granted to, a great Number of the Clergy.

<sup>g</sup> Et habito Rex Parlamento cum suis Baronibus, Clero excluso. *Chron. Gul. Tbörn.* inter Decem Scriptores, col. 1965.

Dugdale gives us the Summons to this Parliament, to meet apud Sarum Die Dominica in Festo S. Matthiæ, Feb. 24, 1297. *Teste Rege apud Welyns, Jan. 26.*

*I am not so bound, quoth the Earl, neither do I purpose* King Edward I.  
*to go without you.* The King, then in a great Rage,  
*said, By God, Sir Earl, you shall either go or hang.* And, Difference be-  
*Sir King, by the same Oath, replied the Earl, boldly,* tween the King  
*I will neither go nor hang.* And so they both left the and his Barons.  
 King abruptly, without taking any Leave, and the Parli-  
 ament broke up without doing any further Business.  
*Edward*, after this, resolved to go over in Person, but  
 the Lords then would not go along with him; so haughty  
 and stubborn were the Nobility in those Days. Yet, not-  
 withstanding the ill Correspondence between the King  
 and these Great Men at this Assembly, it seems they  
 agreed well enough how to proceed with the Clergy;  
 for an anonymous Chronicle in the *Bodleian Library* <sup>b</sup>  
 relates, 'That the King, and his Barons and Knights  
 there assembled, passed an Ordinance, That if the Clergy  
 did not make their Peace with the King, within a cer-  
 tain Time then limited, they should lose all that was  
 already seized by the King, and it should not be lawful  
 for any one, from thenceforth, to have any common  
 Dealing with them. This severe Ordinance brought  
 many of them to their Compositions immediately.

But the Affair between the King and his haughty  
 Barons deserves a little farther Disquisition. Several  
 antient Historians, such as *Trivet*, *Hemingsford*, &c.  
 who were Contemporaries, relate the Story, which hap-  
 pened in the Parliament at *Salisbury*, as above. This  
 Dispute, with the Revolt in *Scotland* at that Time, per-  
 plexed the King very much, and hindered his intended  
 Expedition; and there are in the *Fœdera* several Letters  
 to his Allies and Friends abroad, sent to excuse and in-  
 form them with the Reasons of his Delay; so that it was  
 not till *August* this Year that *Edward* embarked for  
*France*; leaving his Son, with some other Lords, Re-  
 gents in his Room. But before the King left *England*  
 he took Care to inform all his Subjects of the Behaviour  
 of the Barons to him, by circular Letters sent to all the  
 Sheriffs, which related all that had pass'd between them;  
 a Copy of which, in *French*, is in *Rymer* and some other  
 Historians.

Nor were the two Earls backward in shewing their  
 Resentment against the King, but published certain Ar-  
 ticles

<sup>b</sup> See Archbishop *Wake's Appendix*.

King Edward I. Articles of Grievances in the State, which they expected should be redressed by the King before they would join with him. Nay, they went further; for, on the King's Departure, the two Earls, Mareschal and Hereford, went to the Treasurer and Barons of the Exchequer, forbidding them, in the Name of the whole Community of the Realm, as well Clergy as Laity, to levy the Eighth Penny, given in the Parliament at *St. Edmundsbury*, and denying that it ever was legally granted<sup>i</sup>. Lastly, they applied to the Citizens of *London* to stand by them<sup>k</sup>.

To remedy these Evils, and to close up the Differences with the discontented Lords in Time, the Regents thought proper to call a Parliament in Prince Edward's Name, and to summon them to meet at *London* on the 10th of *October*, in the same Year, 1297<sup>l</sup>. The Lords paid a willing Obedience to this new Summons from their future King, and came at the Time and Place appointed: But their Appearance was small, there being only the Archbishop and six Bishops, 23 Abbots and Priors, the Earls of *Hereford*, *Norfolk*, and Mareschal, with eight other Barons, which is easily accounted for, as many of the rest attended the King abroad.

[ 107 ]

Additional Articles to *Magna Charta*, &c. proposed;

However, the discontented Lords did not come without a strong Guard to secure their Persons, having 500 Horsemen well armed, and a large Body of choice Foot to attend them; nor would they enter the City untill they were allowed to place a sufficient Number of their own Men at each Gate of it for their better Security. This being granted, the Lords came quietly to their Seats in Parliament; where, after many and various Consultations and Debates<sup>m</sup>, the Archbishop of *Canterbury* being Mediator in these Differences, the Lords would agree to no Reconciliation, unless the King would consent to confirm *Magna Charta* and the Charter of Forests, with some additional Articles; and that he would neither desire nor exact any Aid or vexatious Tax,

<sup>i</sup> This Record is in *Madox's History of the Exchequer*, p. 614.

<sup>k</sup> *Triwet*, *Hemingford*.

<sup>l</sup> *Dugdale* has given us the Summons to the Lords, and *Prynne* to the Commons. Vol III. p. 736.

<sup>m</sup> *Ubi tandem post Consilia multa et Tractatus varios, &c.* Knyghton, col. 2923.

Tax, either from the Clergy or the People, for the future, without the Advice and Consent of his Great Men. Further, that all Rancour and Malice might from henceforth be removed from the Minds of them and all others their Associates, the following Writing was agreed to, and ordered to be drawn up in these Words for the King to confirm:

*No Manner of Tax or Aid shall either be imposed or gathered by us or our Heirs, for the future, on our Kingdom, without the common Consent and Free-Will of the Archbishops, Bishops, and other Prelates, the Earls, Barons, Knights, Burgeses, and other free Men of this Realm. We will not take to ourself any Corn, Wool, Hides, or any other Kind of Goods whatsoever, without the Consent of the Person to whom such Goods belong. We will not take, for the future, in any Name, or on any Occasion whatsoever, Evil Tolle<sup>n</sup> of any Pack of Wool. We will and grant, for us and our Heirs, that all the Clergy and Laity of the Kingdom shall have all their Laws, Liberties, and Customs, as freely and fully as ever they enjoyed them at any Time. And if any Thing be enacted or ordained against any Article in this present Writing by us or our Ancestors, or any new Customs introduced, we will and grant that such Customs or Statutes be for ever null and void. We do remit also, to Humphry de Bohun, Earl of Hereford and Essex, Constable of England; Roger Bygot, Earl of Norfolk, and Marechal of England; and others the Earls, Barons, Knights, 'Squires, and to John de Ferrers, and to all others his Colleagues and Confederates, and also to all those that hold Twenty Pounds Lands either of us in Chief, or of others in our Kingdom who were summoned to go into Flanders and did not appear, all Manner of Rancour and Ill-Will which, for the aforesaid Causes, we might have taken against them, and also all Kinds of Transgressions which to us or ours may have been done, to the making of this present Writing. And, for the greater Security of this Matter, we will and grant, for us and our Heirs, that all Arch-*

[ 108 ]

<sup>n</sup> Mala Tolla, *bel potins*, Tolla, Gallicé *Male-toute*, Evil Toll. See Somner's *Glossarium ad Decem Scriptores*.—See also the last Edition of Dufresne's *Glossary*.

The Tax was 40s. for every Sack of Wool, taken without Consent of Parliament. See *Statutes at Large*, and Coke's 2d *Inst.* p. 526, for this memorable Statute.



King Edward I. *bishops and Bishops of England shall for ever, in their Cathedral Churches, have this present Writing read, and shall publicly excommunicate as well there, as cause it to be done in the several Parish Churches throughout their Dioceses, twice in a Year, all those who shall seek to weaken the Force of these Presents in any Article, or in any Manner whatsoever.*

*In Testimony of which we have put our Seal to this present Writing, together with the Seals of the Archbishops, Bishops, Earls, Barons, and others, who, of their own Accord, swore to observe strictly the Tenor of these Presents, in all and every Article, to the best of their Powers. And for the due Observance of which they promised all their Aid and Advice for ever °.*

We think it entirely consistent with the Subject of our History, that every Word of the preceding Charter, as near as it can be translated, should find a Place in this Work. It is a Step into the Prerogative much bolder and wider than what was made by the gaining of the Great Charter or that of the Forests; and may be truly said to be the Foundation of our present Parliamentary Grants to the Crown. The young Prince did not hesitate at all to confirm the Decree, as far as it was in his Power; and gave the offending Lords his Letters Patent to them and all their Followers, that no Manner of Harm should come to them; and promised also in the said Letters, that he would do his utmost to induce his Father to consent to all their Demands: Likewise all the King's Council, that were present at this Parliament, promised under their Hands to act accordingly.

[ 109 ]

This Concord of Peace and Unity, says our Author<sup>p</sup>, gave an universal Joy to all the Kingdom. The Prelates, Earls, and Barons, adds he, that were Commissioners for the King in this Matter, were *Robert de Winchelsea*, Archbishop of Canterbury; *Henry Murdac*, elect Archbishop of York; the Bishops of London, Ely, Bath, and Coventry; the Earls of Cornwall, Warren, Warwick, and Oxford; the Barons were *John Gyffard*, *Henry de Percy*, and *Reginald de Grey*; with many other Clerks and Laymen.

All

• From the most correct Copy preserved by *Walter Hemmingford*,

P H. Knyghton, col. 2924.

All these Lords, &c. swore upon the blessed Evangelists, for the greater Security that the aforesaid revolted Earls and their Followers should be entirely indemnified by them against the King: To which those Lords answered, in like Manner, that if the King would ratify and confirm all the aforesaid Articles, they would be entirely at his Command, either to go over into *Flanders*, or march against the King's Enemies in *Scotland*.

Messengers were immediately dispatched to the King in *Flanders*, with Letters to him from his own Secretaries, intimating that, if he regarded his own Honour and Safety, or hoped to preserve his Kingdom, he should send back the Writings confirmed and sealed. The King being driven to a Strait, took three Days Time to consider of this Message; and then, that he might gain the Hearts of the Revolters once more to him, wisely consented to all, and confirmed them accordingly<sup>9</sup>. For this extraordinary Concession of the King, the Parliament granted him a Ninth Penny on the Laity; and the Archbishop of *Canterbury*, with his Clergy, notwithstanding the Pope's Bull, gave a Tenth; the Archbishop of *York*, with his Clergy, who were more in the Neighbourhood of Danger, a Fifth Penny, as a Subsidy to carry on the War against *Scotland*. The Wool which the King had already taken from the Religious Houses, and others of the People, he promised should be accounted for in the Collection of this Fifth.

Which are confirmed by the King.

*Edward*, after this, sent his Letters particularly to require the aforesaid revolted Lords, as well as all the rest of the Great Men who were then in *England*, that, as they regarded him, or the Honour of the *English* Nation, they should march directly into *Scotland*, under the Command of the Earl of *Warren*, whom he had constituted his Vicegerent for that Expedition. He also appointed a Day for them to meet at *York*<sup>r</sup>, and, in the mean Time, to get themselves in Readiness to proceed from thence and chastise the *Scots* Rebels. This Meeting *Hemingford* and *Knyghton* call a Parliament, and there-

[ 110 ]

Anno Regni 26.  
1298.

At York.

<sup>9</sup> They were signed by the King, at *Ghent* in *Flanders*, apud Gandavum, 5 Id. Nov.

<sup>r</sup> *Ottavio S. Hilarii*, Jan. 21. *Knyghton*. *Craft*. *Hill*. *Hem*.

*Trivet* says, *Conveniente in Ottavio S. Hilario, publicata Confirmatione Chartarum, Articulorumq; adjectorum versus Scotiam processerunt*. *Mat*. *Westminster*.

King Edward I. therefore we do the same, though none of the Commons were called to it, and seems to be chiefly designed to try whether the *Scots* Lords would come, as *Edward* by his Letters had summoned them to do, without any Excuse, otherwise they should be taken for public Enemies. At the Day prefixed the *English* Lords appeared at *York*: There were, particularly, the Earl of *Warren*, the King's General; the Earl of *Gloucester*; the Earl *Mareschal*; the Earls of *Hereford* and *Arundel*; *Guy*, Son to the Earl of *Warwick*; *John de Segrave*; and many other Lords. The first Thing they went upon was the Consideration of themselves; and accordingly they had *Magna Charta*, the Forest Charter, with all the additional Articles, read publicly in the Cathedral Church of *York*; and the Bishop of *Carlisle*, in Pontificalibus, pronounced the Sentence of Excommunication on all those that offended against them. And as the *Scots* Lords did not think fit to appear according to Summons, nor send any one to answer for them, it was agreed that, in eight Days following, every one should appear in Arms at *Newcastle* upon *Tyne*, and so to march against the Enemy.

In the mean Time *Edward*, having concluded a Truce for two Years with *France*, turned all his Thoughts on *Scotland*, and sent Word to the Earl of *Warren*, his General, not to proceed with the Army any farther than *Berwick* till his Return. He arrived there in Person some short Time after; and the first Thing that the King did after his coming back to *England*, was to call a great Council together at *London*, on *Palm-Sunday*, [March 30] where it was resolved to remove the Courts of King's Bench and Exchequer to *York*<sup>s</sup>, and to summon a Parliament to meet in that City on the Feast of *Pentecost* following. The Writs for summoning the Knights, Citizens, and Burgesses to this Parliament are still extant<sup>t</sup>; and here the King, by Word of Mouth, confirm'd to them the Charters above-mentioned; and, as the *Annals of Worcester* observe, 'not out of Fear, but of his own free Will, and without

' any

<sup>s</sup> The Ordinance for removing the Courts of Justice to *York*, is said, by *Riley*, to be made in a Parliament at *London*, in *Easter*, this Year; et quod Scaccarius et Bancus sint infra Castellum Ebor, &c. *Riley*, p. 225.

<sup>t</sup> The Writs are dated at *Furham*, April 13, Anno Regni 26.

[ 111 ]

Anno Regni 26.  
1298.

At *London*.

'any Grant of Money for it<sup>u</sup>.' The Scots Lords were King Edward I. again summoned to appear at this Parliament; which they not regarding, he sent out his Commission of Array, ordering all his Subjects to be ready, with Horse and Harness, at *Roxburgh*, on the Feast of St. *John Baptist* following; which was done accordingly. After this happened the fatal Battle, to the Scots, of *Falkirk*; in which the English gained a complete Victory over their Army, and retook all the Towns and Fortresses which had been lost in the King's Absence. The Scots are again routed.

*Edward*, after his Return out of *Scotland*, continued in the North of *England* till after *Christmas*; when, leaving all Things quiet, he returned to *London*; and, soon after he got there, called a Parliament to meet on the first Sunday in *Lent*, [*March* 8] the Writs for it bearing Date (by *Dugdale*, from claus. 27 *Edw. I. m. 8.* in dorso) *apud Pontem de Tulye*, Feb. 6, 1299. Anno Regni 27.  
1299.  
At London.

The first Thing that was done at this Meeting, was to read before them the Pope's Instrument of Award between the Kings of *France* and *England*, who had agreed to make him, as a private Person only, under the Name of *Benedict Cajetan*, the amicable Composer and Arbitrator of all Wars, Controversies, Differences, and Causes whatever moved between them. This Character was worthy of the Christian Pontiff; and accordingly he did award and pronounce, The Pope appointed Arbitrator between the Kings of England and France.

I. 'THAT there should be a firm and stable Peace between the two Kings.

II. 'That the voluntary forbearing of Hostility, and the Truce lately made and confirmed between the two Kings, &c. should be inviolably observed.

III. 'That the King of *England* should marry *Margaret*, the King of *France's* Sister, and endow her with 15,000 *l. Turnois* (i. e. 3750 *l. Sterling*) per Ann.

IV. 'That *Isabel*, the Daughter of the King of *France*, not then seven Years old, should, at convenient Time, be married to *Edward* the King of *England's* Son, then thirteen Years of Age, with the Dower of 18,000 *l. Turnois*, per Ann.

[ 112 ]

V. 'That

<sup>u</sup> ——— in *Ebdomade Pentecostes*, *apud Eboracum*, omnia quæ prius Baronibus et Communitati Terræ Rex concessit; non Timore teritus, sed mera Voluntate et sine Precio, confirmavit. *Annal. Wygorn.*



King Edward I. V. ' That all Goods on either Side, Ships especially, taken before the War, and then not embezzled or destroyed, should be restored; and if destroyed and not to be found, then either King to make Satisfaction at the Request of each other.

VI. ' That all the Lands, Vassals, and Goods which the King of *England* had in *France* before the War, which he may have restored to him by virtue of this Compromise, he should have and enjoy under such Conditions and Security as shall be awarded.

VII. ' That all the Lands, Vassals, and Goods which the King of *France* was then possessed of, that were the King of *England's* before the War, and those the King of *England* was then possessed of, should be put into the Hands and Possession of the Pope, and so to remain untill the Kings themselves agreed about them, or he should order what was therein to be done, without Prejudice to the Lands, Vassals, and Goods; or the Kings, as to the Possession, Detention, or Property of them.

This Pronunciation, or Award, was dated at the Pope's Palace at *Rome*, on the 20th of *June*, 1298, 26th of *Edward I.*

To which Award, when it was read in Parliament, all the Clergy and Laity gave their Consent <sup>w</sup>.

And now the Lords and Commons <sup>x</sup> pressed the King to ratify, in Person, the Great Charters, with the *additional Articles*, which he had only done by Commission before. *Edward* was very shy in this Matter; loth he was to grant their full Requests, and as unwilling to deny them. To gain Time he made no present Answer; and when he was yet more urged to perform his Promise, he left the City without their Knowledge; which, they finding out, followed him, and seemed much discontented at his Conduct. *Edward* excused himself to them, by complaining that the Air of the City was prejudicial to his Health, and came but into the Country for a Time to recover it; he desired that they would go back to the City, and they should have an Answer by his Council, so far as it should stand with Reason to content them. They returned to the City, and

<sup>w</sup> *Plebs omnis et Clerus.* M. Westminster.

<sup>x</sup> *Proceres et Communes,* Knyghton, col. 2528.

and soon after the Charters were sent them, confirmed King Edward 1. according to their Requests, except that at the latter End of them were added these Words, *Salvo semper Statu Coronæ*, saving always the Rights of the Crown. But this Addition so offended the Lords, that they broke up and returned home in as great a Displeasure against the King as before.

The Council doubting some seditious Practices might ensue, delivered the Charters, sealed and signed as they were, to the Sheriffs of *London*, that the same might be read openly before the People<sup>r</sup>. This was accordingly done at *St. Paul's Cross*, in the Presence of a great Assembly there met for that Purpose. The People, before they heard the additional Words, gave many Blessings to the King for these Grants; but they no sooner heard the Conclusion, than they cursed, says our Authority, as fast as they had blessed. However, the King finding no other Way, before this Parliament was dissolved, gave Notice to the Lords to meet again after *Easter*, and then he would grant them all they desired.

But this Meeting, after *Easter*, was not of the Lords only, but another Parliament called by the King's Writs, as the former, dated at *Westminster*, April 10, to meet in *quindena Paschæ*, May 3, following<sup>a</sup>. It was in this Parliament that the King actually confirmed the Great Charters, and also a new one for their better Explanation, called, in our Law-Books, *Articuli super Chartas*, or Articles upon the Charters<sup>b</sup>.

Anno Regni 23,  
1300.

Two eminent Writers of *English History*, of the last Age, Dr. *Brady* and Mr. *Tyrrel*, the former a warm Advocate for the Prerogative of the Crown, the other as zealous a Champion for the Liberties of the People, have taken great Pains to search into our Records, Histories, &c. for the Support of their different Opinions. Between them both then we may come at Truth; and therefore we shall make no Scruple to quote them when any Thing so apparent intervenes. And here, on the King's confirming the Charters this Time, Mr. *Tyrrel* makes the following Remark; tho' if he had named his Author,

<sup>r</sup> Hollingshead's Chron. from the Chron. of Abington.

<sup>a</sup> Dugdale, from claus. 27 Edw. I. m. 16. dorso.

<sup>b</sup> Statutes at large, An. 1300. Coke's 2d Institut. 537.

King Edward I. Author, or told us where the Manuscript lay, the Story would have been much more credible. He says, ' That though our printed Historians do not mention it, yet a Manuscript Author of that Time relates, concerning this Transaction, That the King was at first loth to grant this Request of the Archbishop and Barons; and therefore, to avoid it, tried to work upon each of the Lords apart, some by fair Words and Promises, and others by Presents, to put off this Business till the next Parliament after *Michaelmas*; and therefore now desired no more Aid of them than a twentieth Part of their Goods; and through these subtle Methods he prevailed with the greater Part of them: Yet, notwithstanding this, the Bishops, and many of the most considerable Noblemen, still persisted in their first Demand of having the Charters confirmed, and that the Bishops and Earls should also put their Seals to them; at which Proposals the King, much offended, asked them, *If they took him for a Deceiver?* Whereupon the Lords desisted for a few Days from their Petition; yet at last the King, being prevailed on by the Persuasions of some that were near about him, went into *Westminster-Hall*, and there confirmed the Great Charter, with the Articles upon it, which he caused to be read before all there present, and then ordered his Great Seal to be put to it; and, speaking in *English*, commanded the Archbishop, *If he knew the said Articles to be deficient in any Point, that he should declare it, and they should be presently amended*: Then he permitted the Archbishop and Bishops to denounce all those excommunicated that should presume to break or infringe the said Charters, or any Thing therein contained. This prudent Act was very seasonable, and quieted the angry Minds of the Nobility, especially the Earl of *Warwick*, and the Lord *Walter Beauchamp*, Steward of the King's Household, who were like to have gone into their Countries to have raised Forces to compel the King, had he not voluntarily agreed to do it.'

[ 114 ]

*Magna Charta,*  
*&c.* farther ratified in Parliament.

[ 115 ]

There are two Laws extant in our Statute-Books, that were made this Year; and one that is called the Statute *de falsa Moneta*, dated at *Stebenheath*, now *Stepney*. Which last was certainly no more than a Royal Proclamation against the Coiners and Venders of false Money at that Time, when it was very current in the

the Kingdom<sup>c</sup>. And it is as certain that several more King Edward I.  
Acts of State are put down, and printed as such in our  
Statute-Books, which were no more than Royal Edicts  
not authorized by Parliament.

About this Time the *Scots*, ever ready to watch all  
Opportunities, whilst *Edward* was busy in the South,  
again revolted, bred a great Disturbance in that King-  
dom, and brought the *English* Garrisons, left there, to  
much Distress. The King found himself obliged, tho'  
in the Depth of Winter, to march against them; and  
therefore summoned another Parliament to meet him at  
*York*. Our old Historians call this Meeting a Parlia-  
ment; and say that it was called to meet in that City  
at *Martinmas*, tho' no Writs of Summons for it are  
now extant, nor can we find any Account of what was  
transacted in it. The King went from hence to *Ber-*  
*wick*, where, the Winter proving very severe, he was  
obliged to stay till the Spring Season before he could  
effect any Thing; but very early in that Season *Ed-*  
*ward* made another Inroad into *Scotland*, soon subdued  
those resolute Spirits, and obliged them to sue to him  
again, in a most submissive Manner, for Peace.

But before the King entered *Scotland* this Time, he  
issued out Writs for calling a new Parliament to meet  
at *Lincoln*<sup>d</sup>, which were dated at *Berwick*, December 29,  
to meet the second Sunday in *Lent* [March 13] follow-  
ing; and most of these Writs and Returns are now  
extant. The Summons to this Parliament are more  
numerous and more extraordinary than any we have yet  
met with; for the King not only summoned the Peers,  
Knights, Citizens, and Burgeffes, (in which he directs  
the Members of the last Parliament, if living and capable  
of that Service, to be returned) the Archbishops, and  
Bishops, with many of the Clergy, and the Judges;  
but likewise directed Writs to the Chancellors of both  
the Universities, to send from *Oxford* four or five, and  
from *Cambridge* two or three, *de discretioribus et in Jure*  
*scripto magis expertis prædictæ Universitatis*. We have  
these Writs in *Prynne's Parliamentary Register*, Part the

VOL. I.

I

First,

<sup>c</sup> *Anno Gratie* m.ccc. in *Vigilia Paschæ*, 5 *Id. Ap. Moneta quæ di-*  
*citur* Pollards & Crokards, & *aliæ falsæ Monetæ per Angliam probibentur.*  
*Mat. Westm.*

<sup>d</sup> *Mat. Westmister.*—*Knyghton* says *Stamford*. The Statute *de Es-*  
*cheatoribus* was made at this Time. *Statutes at large, Anno 1301.*



King Edward I. First, p. 345, and in the third Volume of his *Collections*, p. 884. There are likewise the Returns from the two Universities, four from *Oxford*, not particularly named, and two from *Cambridge*, *Simon de Weldene*, a Monk, and *Hugo Samson*, *Jurisperiti*. They were all to meet at *Lincoln* on the Octaves of *S. Hilary*, or *January 21* following: But the Writs for calling this Parliament, with the King's Reasons for it included, are so extraordinary, that we chuse to give a Translation of the Substance of them as follows: \*

After a Recital, ' That the King had granted the  
' Charter of the Forest, and had assigned Commissioners  
' in every County where there were Forests, to make  
' Perambulations, and to report them to himself before  
' any Execution was done thereon, that his own Oath,  
' the Rights of the Crown, his Reasons and Claims, as  
' well those of all others might be saved; and though  
' the said Commissioners had already returned to him  
' what they had done, yet because the Prelates, Earls,  
' Barons, and Great Men of the Kingdom, in whose  
' Presence he would have his own and the Reasons of  
' all others proposed and heard, were not then present  
' with him; since there were others who were bound  
' with himself to observe and maintain the Laws and  
' Rights of his Crown; and farther, that those who  
' ought to propound their Reasons concerning this Mat-  
' ter, had no Notice of it, without whose Advice a good  
' End could not be put to it: Therefore, because this  
' Business might be dispatched without Delay, he was  
' willing to have a Conference and Treaty with the  
' Prelates, Earls, Barons, and Great Men aforesaid,  
' and others of the Community of the Kingdom, concern-  
' ing this Affair, and other arduous Matters touching  
' himself and the State of the Kingdom; he therefore  
' commanded and firmly enjoined him the said Sheriff  
' of *Cumberland*, to cause to appear before the King at  
' his Parliament at *Lincoln*, on the Octaves of *St. Hi-*  
' *lary* next coming, two Knights of his County, viz.  
' Those who came for the Community of the County by his  
' Precept to the last Parliament, and also the same Citi-  
' zens and the same Burgeßes for all the Cities and Bur-  
' roughs within his Bailiwick; and if any of them were  
' dead,

\* From *Prynne* and *Dugdale*.

\* dead, or infirm, then to cause others to be chosen, and King Edward I.  
 \* come in their Stead; so that they might be present at  
 \* the Day and Place aforesaid, with full Power to hear  
 \* and do what should be then ordained for the common  
 \* Profit of the Kingdom.'

Then the Writ concludes with a Clause of allowing the Knights and Citizens reasonable Expences in coming to, staying at, and returning from, the Parliament; and with a farther Command to the Sheriffs, to make Proclamation in their Counties, 'That all those who would put in any Exceptions against the said Perambulations should appear before him, and exhibit them in Parliament.' *Witness the King at the Rose<sup>f</sup> the six-and-twentieth of December, in the eight-and-twentieth Year of his Reign.*

The like Writs were sent to all other Counties of England, except *Cheshire* and the Bishoprick of *Durham* &c.

This is the Substance of the Writ of Summons in *English*, wherein the Reasons are given why the Perambulations could not be receiv'd and consider'd sooner: And the Writs to the Bishops, Earls, and Barons, were in the same Form and Words, as to the Reasons of it, as those to the Commons.

The King wrote also to the Commissioners, that had made the said Perambulations, to be at this Parliament, and bring with them those Perambulations, and all Things that concerned them.

At the opening of this Assembly *Roger de Brabazon*, the King's Chief Clerk, or Secretary, and Privy Counsellor, made them an excellent Speech on the King's Behalf, to this Effect: 'His Majesty has ordered me to let you understand, that whatever he hath done in his late Wars, hath been performed by your joint Consent and Allowance; but that lately, by reason of the sudden Incurfion of the *Scots*, and the malicious Contrivances of the *French*, the King hath been put to such

[ 117 ]

I 2 extra-

<sup>f</sup> *Rose Castle* in *Cumberland*, now the Bishop of *Carlisle*'s Palace.

<sup>g</sup> *Dr. Brady* says *Cheshire* only; but it is his Mistake, for *Durham* sent no Members till the 25th of *Charles II.* See *Statutes at large*.

*Tyrrel* observes, that the Doctor hath, in his Introduction, drawn some Arguments from this Writ, to prove that the King might antiently have caused what Members he pleased to be returned to Parliament: But that he had fully answered those Arguments, and prints the Writ *Verbatim* from the Record in Support of the contrary Opinion. *Tyrrel*, Vol. III.

King Edward I. 'extraordinary Expences, that being quite destitute of Money, he therefore desires a Pecuniary Aid of you, viz. a Fifteenth of your Temporal Estates.' Hereupon the Nobility and Commons began to murmur, and complained grievously against the King's menial Servants and Officers, for several violent Depredations and Extortions. Afterwards they desired that the Liberties contained in the Great Charter should remain for ever in full Force: Also they requested the King that the Disforestings, by which the richer Sort had encroached much upon the Poor, and which he had often promised should be amended, might be now ordered to be done without more Delay. These and some other Articles, which they earnestly press'd the King to grant, protracted this Session several Days. At last, says our Authority <sup>g</sup>, the King perceiving that they would not desist from their Demands, nor would supply his Necessities without they were granted; he answered, That he was ready to do what they would have him, and if they had any Thing else to ask it should be granted. Then the Charter of Liberties and that of the Forests were again renewed, and sealed with the King's Seal. They were afterwards carried into every County in *England*, and, when read before the People, the Sentence of the greater Excommunication, as ordained by the Archbishop of *Canterbury* and the rest of the Bishops, against the Violators of them, was proclaimed amongst them. For this Confirmation of their Liberties, this Parliament granted the King a Fifteenth of all their moveable Goods, to take Place at *Michaelmas* following. But the Archbishop of *Canterbury* again refused to lay any Tax upon his Clergy, or on any of the Temporalities annexed to the Church, without a special Licence from the Pope.

Dr. *Blackstone* observes <sup>h</sup>, 'That this Confirmation of the two Charters seems to have been the final and complete Establishment of them; which, he adds, from their first Concession under King *John*, Anno 1215, had often been invaded, and undergone many Mutations for the Space of near a Century; but were now fixed upon an eternal Basis, having in all, before and since this Time, as Sir *Edward Coke* observes, been established, confirmed,

<sup>g</sup> *Mat. Westmister.*

<sup>h</sup> Introduction to *Magna Charta*, p. 74.

confirmed, and commanded to be put in Execution, by King Edward I. two-and-thirty several Acts of Parliament.' But how-soever *Edward* complied at this Time, we shall find, in the Sequel, that he was not without Hopes of having an Opportunity of cassating these Charters, and entirely damning them for ever.

That the Barons were the principal Instruments to put Fetters on themselves, appears from what Mr. *Tyrrel* observes; who, tho' no Friend to the Prerogative, has given us an Abstract from an old Manuscript Chronicle<sup>1</sup>, wherein the insolent Demands of the Barons run near as high against this great and wise King, as they did against his Father: For, says this Historian, the Great Council of the Nobility being continued, after the Commons were risen, till towards the latter End of *Lent*, they began to fall upon several rash and imprudent Projects and Demands; as, That the Chancellor, Chief Justice, and Treasurer should be chosen and appointed by the Community of the Kingdom; which so far provoked the King, that he returned them this resolute Answer:

[ 118 ]

*I Perceive you would at your Pleasure make your King truckle to you, and bring him under Subjection. Why have you not asked the Crown of me also? whilst at the same Time you look upon that as very fit and necessary for yourselves, which you grudge me that am your King: For it is lawful for every one of you, as Master of his own Family, to take in or turn out what Servants he pleases; but, if I may not appoint my Chancellor, Chief Justice, Justiciary, and Treasurer, I will be no longer your King; yet if they, or any other Officers, shall do you any Wrong or Injustice, and Complaint be made of it to me, you shall then have some Reason to complain if you are not righted.*

The King's resolute Answer to the Demand of the Barons, to which they submit.

This so reasonable Answer of the King's made those ashamed that were for these Alterations; and though several of them desired Trouble and Disturbance rather than Peace and Quietness, yet the major Part of the Nobility, seeing these Designs to be vain and frivolous, humbly begged the King's Pardon for their Presumption.

The King and his Barons being thus perfectly reconciled, an elegant Epistle, as *Matthew Westminster* calls

<sup>1</sup> Mr. *Tyrrel* should have mentioned the Authority.



King Edward I. it, was wrote to the Pope, sealed with one Hundred Seals, in order to prove the Right which the *English* Kings had to the Crown of *Scotland*, from the earliest Times, against the false Suggestions, adds he, of the perjured *Scots*, who had avouched otherwise.

[ 119 ] In this Parliament, also, the King created his eldest Son, Prince *Edward*, Prince of *Wales* and Earl of *Chester*; to the no small Joy of the *Welsh*, as this Prince was born amongst them.

The Pope claims the Kingdom of *Scotland* as a Fief of the Holy See.

One great End of a Parliament's being called by the King, at this Time, was, to lay before them a Letter he had received from the Pope; wherein his Holiness claimed the Kingdom of *Scotland* as a Right belonging to the See of *Rome*<sup>k</sup>, as has been said; and for that Reason, when he issued his Writs for the calling of this Parliament, the King wrote also to some of his own Clerks, several Deans of Cathedral Churches, several Archdeacons, Officials, and others that had the best Reputation for Lawyers in those Times, to come to this Parliament, for he should then have Occasion to treat particularly, with Lawyers and others of his Council, about the Right and Dominion he and his Ancestors had to the Kingdom of *Scotland*. To the same Purpose he wrote also to the Chancellors of both Universities, to send to this Parliament the most expert and knowing Men in the Written Law. And, further, he sent his Writs to several Deans and Chapters, to several Abbots, Priors, and their Convents, to search their Archives, and send all their Chronicles, in which was to be found any Thing relating to his Title to the Kingdom of *Scotland*.

The Pope alledged, in his Letter, that the King of *England*, both against Reason and Justice, had made that Claim; for which he gave the following Reasons<sup>l</sup>:  
 ' That King *Henry III.* had asked Aid of *Alexander*  
 ' King of *Scotland*, against *Simon Montfort* and his other  
 ' rebellious Barons; and the same King *Henry* acknow-  
 ' ledged, by his Letters, that he sought not this Aid from  
 ' the said King *Alexander*, as a Service due to him, but  
 ' meerly out of Favour. Secondly, When the said King  
 ' *Alexander* came to the Coronation of the said King  
 ' *Henry*, he came only as a Friend, and out of Kind-  
 ' ness,

<sup>k</sup> H. Knyghton, col. 2529.

<sup>l</sup> Dr. Brady, Vol. II. p. 71, from the *Public Records*

'ness, &c. And as *Edward* King of *England*, after the King *Edward I.*  
'Death of *Alexander*, had attacked and subdued the  
'Realm of *Scotland*, for want of a Governor, to him-  
'self, he declared it was contrary to Justice and the  
'Liberty of the See of *Rome*. And that the said King  
'*Edward* had suppressed all the *Scots* Bishops, and held [ 120 ]  
'them under Subjection to him, against the Constitution  
'of the Catholic Church in general, and the See of  
'*Rome* in particular.'

The King, by the Advice of his Parliament, returned this Answer to that Part of the Letter wherein the Pope commanded *Edward* to send his Proctors and Messengers to the Court of *Rome*, to shew what Right he had to claim the Realm of *Scotland*, That he did not think fit to say any Thing to it himself, but that the whole Barony of *England* would write to his Holiness, that their King could not act in that Manner, nor refer a Right, which was so clear and open, to the doubtful Judgment of another Court <sup>m</sup>.

However, the King himself thought proper to dissemble his Anger against the Holy Father, for this extraordinary Stretch of Papal Authority against him; and accordingly answered the Pope's Letter in a very submissive Manner <sup>n</sup>. He was also very copious in the Declaration of his Right that he had to *Scotland*, and began his Claim from King *Brute* and his *Trojans*; and, no doubt, to amuse the *Italians*, who could not contradict it, carried his Title clear through the fabulous History of *Geofry Monmouth*, &c. But the Lords were more explicit in theirs, and made out their Meaning very plain to his Holiness; which Letter, as it is singular in its Kind, preserved in the Collection of *Public Acts* <sup>o</sup>, and was entirely a Parliamentary Proceeding, must find a Place in our History. Besides, the Names of

The whole Baronage of *England*, by Letter, deny his Claim.

<sup>m</sup> The Pope's Letter to the King containing this Demand, the King's Answer, with his Claim to *Scotland*, and the Barons' Letter to the Holy Father, but without all their Names, are preserved in *Mat. Westmister*. The King's Claim is also in *Rymer's Fœdera*, sub Anno 1301, Tom. II. p. 863.

<sup>n</sup> This Moderation, on such an Occasion, when the King was highly provoked at the Pope's Pretensions, must be ascribed to the Need he had of him in the Affair relating to the Restitution of the Duchy of *Guienne*.

<sup>o</sup> *Rymer's Fœdera*, Tom. II. p. 873, 4, 5, Edit. secunda.

King *Edward I.* of those Lords, whom Dr. *Howel* calls *A List of those worthy Patriots who withstood Papal Usurpation, in a most bigotted Age, deserves to be carried down to latest Posterity* <sup>P</sup>.

[ 121 ]

The Translation of this Letter is as follows :

Their Names. *To the Most Holy Father in Christ, Boniface, by Divine Providence, Sovereign Pontiff of the See of Rome, his obedient Sons,*

*John, Earl Warren,  
Thomas, Earl of Lancaster,  
Ralph de Mount-Hermer,  
Earl of Gloucester and  
Hertford,*

*Humphry de Bobun, Earl  
of Hereford and Essex,  
and Constable of Eng-  
land,*

*Roger Bygot, Earl of Nor-  
folk, and Mareschal of  
England,*

*Guy, Earl Warwick,  
Richard, Earl of Arundel,  
Adomer de Valence, Baron  
of Montherney,*

*Henry de Lancaster, Baron  
of Monmouth,*

*John de Hastings, Baron of  
Bergevenny,*

*Henry de Percy, Baron of  
Topcliffe,*

*Edmond de Mortimer, Ba-  
ron of Wigmore,*

*Robert Fitz-Walter, Baron  
of Wodham,*

*William, Baron Molyns,*

*John de St. John, Baron of  
Hannak,*

*Hugh de Vere, Baron of  
Swanescamps,*

*William de Breuse, Baron  
of Gower,*

*Robert de Monthault, Ba-  
ron of Hawardyn,*

*Robert de Tateshall, Baron  
of Buckenham,*

*Reinold de Grey, Baron of  
Ruthin,*

*Henry de Grey, Baron of  
Codnore,*

*Hugh Bardolph, Baron of  
Wirmgeye,*

*Robert de Tonny, Baron of  
Castle-Mawde,*

*Robert de Clifford, Chat-  
tellain of Appleby,*

*Peter de Malo Lacu, or  
Mawley, Baron of Mul-  
grave,*

*William de Ros, Baron of  
Hamlake [Helmsley],*

*Robert Fitz-Roger, Baron  
of Clavering,*

*John de Mohun, Baron of  
Dunestar,*

*Almerick de St. Amand,  
Baron of Widehay,*

*Philip,*

<sup>P</sup> This Catalogue of the Nobility is printed in *Hollinghead's Chronicle* ; but they are strangely called out of their Names and Titles.

There are the Names also in *Dugdale's Summons*, who has given a List of those summoned to Parliament, whose Names don't appear to the Letter, and of those who signed the Letter and were not summoned.

*Philip, Baron of Kime,*  
*William de Ferrers, Baron*  
*of Groby,*  
*Alan de Zouch, Baron of*  
*Ashby,*  
*Theobald de Verdon, Baron*  
*of Webberley,*  
*Thomas de Furnival, Baron*  
*of Sheffield,*  
*Thomas de Multon, Baron*  
*of Egremont,*  
*William de Latimer, Baron*  
*of Corby,*  
*Thomas, Baron Berkley,*  
*Foulk Fitz-Warren, Ba-*  
*ron of Whittington,*  
*John, Baron Segrave,*  
*Edmond de Eincourt, Ba-*  
*ron of Thurgarton,*  
*Peter Corbet, Baron of*  
*Cauz,*  
*William de Cantilupe, Ba-*  
*ron of Ravenshorpe,*  
*John de Beauchamp, Ba-*  
*ron of Hacche,*  
*Roger de Mortimer, Baron*  
*of Penkethlin,*  
*John Fitz-Reinold, Baron*  
*of Blenleveny,*  
*Ralph de Nevil, Baron of*  
*Raby,*  
*Brian Fitz-Alane, Baron*  
*of Bedale,*  
*William Marsbal, Baron of*  
*Hengham,*  
*Walter, Baron of Hunter-*  
*combe,*  
*William Martin, Baron of*  
*Cameis,*  
*Henry de Tyes, Baron of*  
*Chilton,*  
*Roger le Warre, Baron of*  
*Isfield,*

*John de Rivers, Baron of King Edward I.*  
*Angre,*  
*John de Lancaster, Baron* [ 122 ]  
*of Grisedale,*  
*Robert Fitz-Pain, Baron,*  
*of Lannier,*  
*Henry Tregoze, Baron of*  
*Garinges,*  
*Ralph Pipard, Baron of*  
*Lunford.*  
*Walter, Baron Fauconberge,*  
*John le Strange, Baron of*  
*Knokyn,*  
*Roger le Strange, Baron of*  
*Ellesmere,*  
*Thomas de Chaurcis, Baron*  
*of Norton,*  
*Walter de Beauchamp, Ba-*  
*ron of Alcester,*  
*Richard Talbot, Baron of*  
*Eccleswell,*  
*John Bottecourt, Baron of*  
*Mendsham,*  
*John Engain, Baron of*  
*Colum,*  
*Hugh de Poinz, Baron of*  
*Cory-Malet,*  
*Adam, Baron of Well,*  
*Simon, Baron of Montacute,*  
*John, Baron of Sulle,*  
*John de Moelles, Baron of*  
*Candebury,*  
*Edmund, Baron Stafford,*  
*John Lovell, Baron of*  
*Berekingy,*  
*Edmond de Hastings, Baron*  
*of Enchimchelmok,*  
*Ralph Fitz-William, Ba-*  
*ron of Grimthorpe,*  
*Robert de Scales, Baron of*  
*Neufells,*  
*William Tuchet, Baron of* [ 123 ]  
*Lewenhales,*

*John*



King Edward I.	<i>John ap Adam, Baron of Beverstone,</i>	<i>Hugh Fitz-Henry, Baron of Ravenswath,</i>
	<i>John de Havering, Baron of Grafton,</i>	<i>John le Breton, Baron of Spore,</i>
	<i>Robert la Ward, Baron of Whitehall,</i>	<i>Nicholas de Carrue, Baron of Mulesford,</i>
	<i>Nicholas de Segrave, Baron of Stowe,</i>	<i>Thomas, Baron de la Roche,</i>
	<i>Walter de Tey, Baron of Stonegrave,</i>	<i>Walter de Muncie, Baron of Thornton,</i>
	<i>John de Lisle, Baron of Wodeton,</i>	<i>John Fitz-Marmaduke, Baron of Hordene,</i>
	<i>Eustace, Baron Hacche,</i>	<i>John, Baron of Kingston,</i>
	<i>Gilbert Pecche, Baron of Corby,</i>	<i>Robert Hastings, Baron of Pefiree,</i>
	<i>William Painell, Baron of Trackington,</i>	<i>Ralph, Baron Grendone,</i>
	<i>Bogo de Knovill, Baron of White-Minster,</i>	<i>William, Baron Leybourne,</i>
	<i>Foulk le Strange, Baron of Corsham,</i>	<i>John de Greystock, Baron of Morpeth,</i>
	<i>Henry de Pynkeny, Baron of Wedon,</i>	<i>Matthew Fitz-John, Baron of Stockenham,</i>
	<i>John de Hodeleston, Baron of Vanes,</i>	<i>Nicholas Meynill, Baron of Wherlton,</i>
	<i>John de Huntingfield, Baron of Bradenham,</i>	And
		<i>John de Painell, Baron of Oteli, or Ottely<sup>a</sup>,</i>

Devoutly Kifs his blessed Feet :

Their Letter to  
the Pope.

OUR Holy Mother, the Church of Rome, by whose Ministry the Catholic Faith is governed, as we firmly hold and believe, proceeds upon mature Deliberation in her Resolutions; takes Care to prejudice no Man; and is as sollicitous to preserve the Rights of other People as of her own. Verily, being summoned by our most Serene Lord, *Edward*, by the Grace of God, the illustrious King of *England*, to his General Parliament holden at *Lincoln*, the same our Lord the King shewed us some Apostolic Letters, which, upon certain Affairs touching the Condition and State of the Realm of *Scotland*, he had received from

<sup>a</sup> In all 124 Barons, which is more than our present House of Lords, without the Bishops, consists of.

‘ from your Holiness, and seriously communicated them King Edward 1.  
‘ to us all.

‘ Which Letters, having heard and diligently considered, we were extremely shock’d at the Contents of  
‘ them, being altogether new and unprecedented.

[ 124 ]

‘ It is well known, Most Holy Father, both in these  
‘ Parts and other Countries, that the Realm of *England*,  
‘ from its first Institution, with the Kings thereof, as  
‘ well in the Times of the *Britons* as *Saxons*, had an  
‘ absolute Dominion over that of *Scotland*; and, in  
‘ succeeding Times, have always kept the Possession, or  
‘ the Superiority over the said Realm. Nor in any  
‘ Times did the said Realm, by any Right whatsoever,  
‘ belong, in Temporals, to the See of *Rome*: But rather  
‘ the said Realm of *Scotland* was always feudal to the  
‘ Progenitors of our Lord the King, from all Antiquity.  
‘ Nor were the Kings of *Scotland*, or their Kingdom,  
‘ ever subject or accustomed to submit to any other than  
‘ to the Kings of *England*.

‘ Neither have the Kings of *England*, in their said  
‘ Kingdom, ever submitted their Rights, in Temporals,  
‘ to any Ecclesiastical or Secular Court; have never answered to them, nor ought to answer, but have inviolably observed to keep up the free Preheminence, State,  
‘ and Dignity of the said Kingdom, at all Times.

‘ Whence, upon a due Diliberation and treating upon the Contents of your memorable Letter, the common and unanimous Consent of all and singular was,  
‘ is, and will be, God willing, for ever,

‘ That our aforesaid Lord the King ought not to  
‘ answer judicially before you, nor submit his Rights  
‘ over the Realm of *Scotland*, nor any other of his  
‘ Temporal Rights whatsoever, to your doubtful Judgment. Neither has he any Reason to send his Messengers or Proctors to plead for him in your Presence;  
‘ particularly, when the Premises will most manifestly  
‘ tend to the disinheriting of the Right of the *English*  
‘ Crown, and its Royal Dignity, and the utter Subversion of the State of the said Kingdom; and be a  
‘ Prejudice to our Liberties, Customs, and paternal  
‘ Laws; the Observation and Defence of which we  
‘ stand obliged, by our Oaths, to defend; and which,  
‘ by the Help of God, we will, with all our Power and  
‘ Strength,

[ 125 ]

King Edward I. ' Strength, maintain. Neither shall we in anywise permit, as we can and ought to hinder, such unaccustomed Doings; nor shall we suffer our aforesaid Lord the King in any Manner to attempt to do, if he would, such undue, prejudicial, and, heretofore, unheard-of Actions.

' Therefore we humbly and reverently beseech your Holiness, that you would kindly permit our Sovereign Lord the King, (who, amongst other Princes of the Earth, shews himself a true Catholic, and devoted to the see of *Rome*) to possess quietly all his Rights, Liberties, Customs, and Laws, without Diminution or Disturbance.

' In Testimony of which we have put our Seals to these Presents, as well for ourselves, as for *the whole Community of the aforesaid Realm of England. Datis et actis* Lincolnæ, Anno M.CCC.I.'

We have now gone through with the Transactions of this memorable Parliament at *Lincoln*, which began in *January*, 1301; but how long it sat is uncertain. However, we find no Mention of another Meeting of Parliament till the next Year, when it was called to *Westminster* on the first of *July*, 1302<sup>r</sup>, Anno Regni 30. We have for Authority, in *Dugdale*, the Writs to the Prince of *Wales* and Peers, to the Archbishops and Bishops, and those to the Judges and Council, dated *apud Thurrock-Grey*<sup>s</sup>, the second of *June* this Year; but we do not find that the Commons were summoned to this Meeting. The Business it was called for was to consult together about concluding a Peace with *France*, which was then upon the Carpet: And, to that End, the King's Council desired, That his Majesty might go over there in Person in order to treat with the *French King viva Voce* about it; which Resolution, they added, would please the Nobility of both Kingdoms much; nor could the middle and lower Sort of People be aggrieved at

<sup>r</sup> There are some Pleadings in *Ryley*, said to be made in *Parlamento apud Westm. in Octabis S. Johannis Bapt. An. Reg. R. Ed. Filii R. Hen. tricesimo*, p. 231.

*Tyrrel* gives us also another Great Council (not a Parliament, he says, because no Commons were summoned) at *Stanford* this Year, in *Midlent*, where some Complaints were made that the Forest Laws were not yet put in Execution, &c. Vol. III. p. 149.

\* In the County of *Essex*.

Anno Regni 30.  
1302.

At Westminster.

at it: But the Parliament desiring more Time to consider King Edward I. of this Motion, they were dissolved, and a new one was summoned to meet at *London*; the Writs for which were dated at *Westminster* the 24th of *July*, for *Michaelmas* following. The Writs for summoning the Knights, Citizens, and Burgeses to this second Parliament are still extant<sup>t</sup>; but in the Body of those to the Peers only, &c. is particularly expressed, ‘That they were called to consult about a Proposal offered to the last Parliament relating to the King’s going abroad, &c.’

But tho’ this Parliament was summoned to meet at *Michaelmas*, as has been said, yet the King, for Reasons not given, thought fit to prorogue them by Proclamation to the 14th of *October* following<sup>u</sup>; when, being met, and the same Proposal again made to them as in the former, it was unanimously rejected, and a Resolution made, ‘That the King should remain in his own Dominions, and not go abroad out of them on any Command or Pretence of the *French* King’s whatsoever<sup>w</sup>. We cannot find that there were any Aids asked, or any other Business done at this Parliament, except the Pleadings mentioned from *Ryley*, at Note<sup>r</sup> in the foregoing Page, may belong to it.—But to proceed.

There is some Notice taken of a Parliament in the [ 126 ] *Public Acts*, said to be called in *Lent* this Year, wherein the King ordains four of his Chaplains to be Receivers of Petitions at it. But *Ryley* has preserved a great deal of a Parliament which his Authorities say was held at *Westminster*, on the *Sunday* after the Feast of *St. Matthias* the Apostle, in the thirty-third Year of his Reign. The primary Ceremonials of which, as they are very circumstantial, may give our Readers a Notion of the whole Proceedings of such an Assembly in those Times, translated from the old *French*, as follows. *First*, It was ordained by the King, that Sir *Gilbert de Roubiry*, Master *John de Caam*, Sir *John de Kirkeby*, and Master *John Bussh* should be Receivers of all the Petitions of those who

Anno Regni 33.  
1305.

At Westminster.

The Manner of  
opening a Parlia-  
ment in this  
King’s Reign,

<sup>t</sup> Vide *Dugdale’s Summons* for the Lords; and *Prynne’s Parliamentary Register*, Part II. p. 66, for the Commons.

<sup>u</sup> Dated at *Leaves* in *Suffex*, Sept. 13. *Usque in Crast.* S. Edwardi.

<sup>w</sup> *Totius Regni Consilio definitum est, Regem in Regno proprio commanere, nec pro Mandato vel Suggestione Regis Francorum ab Anglia egredi est permissus.* Mat. Westm. sub hoc Anno.



King Edward I. who shall be Petitioners of this Parliament at *Westminster*. And, upon this, Proclamation was made, by the King's Command, in the Great Hall at *Westminster*, at the Chancery-Bar, and before the Courts of the King's Bench and Exchequer, in the *Guildhall* of *London*, and in *Westcheap*, in these Words:

[ 127 ]

‘ Know all those that come with Petitions to this approaching Parliament, that they deliver them from Day to Day, betwixt this Time and the first *Sunday* in *Lent* at the farthest, to Sir *Gilbert de Roubiry*, Master *John de Caam*, &c. or to any of them, who are appointed to receive them to the aforesaid Time at the farthest<sup>x</sup>. And by this Ordinance and Proclamation all Petitions shall be given in accordingly.’

After this the King assigned Sir *William Ing*, Master *Richard de Havering*, Sir *John de Gildeford*, *James de Dalileigh*, and Master *John de Weston*, to receive all the Petitions which concerned the Kingdom of *Scotland*. He also assigned the Bishop of *Chester*, the Earl of *Lincoln*, Sir *Aymere de Valence*, Sir *John de Bretaign*, Sir *John de Havering*, Sir *Arnold de Canpenn*, the Prior of *Mase*, Master *Peter Arnald de Bik*, Master *Peter Emerick*, and Sir *John de Sandale*, to receive and answer all the Petitions that concern the People of *Gascoigny*, which may be answered without the King. The King also appointed Sir *John de Berwyn*, Sir *Henry de Stainton*, *William de Dene*, *William de Mortimer*, and *Roger de Beanfon*, to receive all the Petitions from *Ireland* and the Isle of *Guernsey*, and to answer all those that may be answered without the King. And all Petitions that either concern *Scotland*, *Gascoigny*, *Ireland*, and *Guernsey* must be first delivered to those appointed by the aforesaid *Gilbert de Roubiry*, Master *John de Caam*, *John de Kirkeby*, and Master *John Bussh*, in the Manner aforesaid.

And of dissolving them.

The Business of the Session being over, this following Proclamation was made by the King's Command, which seems to be the Method of dissolving a Parliament at that Time:

‘ All Archbishops, Bishops, and other Prelates, Earls, Barons, Knights of Shires, Citizens and Burgeßes, and all other of the Commons which are come, by the

<sup>x</sup> This was an Allowance in Time of just a Week; *Easter-Day* this Year, 1305, was on the 18th of *April*.

‘ the Command of our Sovereign Lord the King to this King Edward I.  
 ‘ Parliament, the King gives them many Thanks for  
 ‘ their coming, and wills that, as they have desired,  
 ‘ they may return into their own Country; going forth-  
 ‘ with and without Delay, notwithstanding other Com-  
 ‘ mands, except the Bishops, Earls, Barons, Justices,  
 ‘ and others, who are of the King’s Council, and those [ 128 ]  
 ‘ must not depart without special Leave from the King.  
 ‘ Those also who have Business have Leave to follow it.  
 ‘ And the Knights which are come for the Shires, and  
 ‘ others for the Cities and Boroughs, may apply them-  
 ‘ selves to Sir John de Kirkeby, who will give them Briefs  
 ‘ to receive their Wages in their several Countries. And  
 ‘ the aforesaid John de Kirkeby is hereby commanded  
 ‘ to deliver, to the Chancellor, the Names of all the  
 ‘ Knights of Shires, and the Names of all the Citizens  
 ‘ and Burgeses, that come for such Briefs for their Ex-  
 ‘ pences.’

Many are the Petitions which Ryley has given, with the Answers to them, in his Collection; the greatest Part of them are private Concerns and Complaints: There is one, however, of a public Nature, which cannot be passed by without Notice<sup>z</sup>. This is vouched by an Authority still extant amongst the Records in the Tower, which is stiled, *Ordinatio facta per Dominum Regem de stabilitate Terræ Scotiæ*; and begins thus, *Fait a remembrer que come nostre Seigneur le Roy de son Parlement qil tynt a Westmouster, en Quarreine l’an de son Regne trentisme tierz eust fait a savoir, &c.*<sup>a</sup>. The whole Act contains the new Establishment of the Civil Government in Scotland; but, all together, is much too long and foreign to our Purpose; what may be thought proper, is, That the King had before enjoined the Bishop of Glasgaw, the Earl of Carrick, and John de Moubray to inquire into the present State of the Kingdom of Scotland, and what Persons should come from thence to represent that Country in Parliament. The Commissioners reported to the King, amongst other Matters, that they thought ten Persons were sufficient; that is

Ten Persons appointed to represent the Scots in the English Parliament.

to

<sup>z</sup> The whole Proceedings of this Parliament make 60 Pages in Ryley.  
 33 Edw. I.

<sup>a</sup> *Claus.* 33 Edw. I. m. 13. *dorso in scedula*. This stands as the only Act in the Parliamentary Records for this King’s Reign; but is printed in *Prynne’s Parliamentary Register*, Vol. III. p. 1053.

King Edward I. to say, two Bishops, two Abbots, two Earls, two Barons, and two Commoners, one for this Side of the Sea; and one for the other <sup>b</sup>, to be chosen by the whole Community of Scotland, on a Day the King should please to appoint. The King agreed to this, and that, as these ten were to be elected by the whole Community, the Community should bear their Expences; and that two fit Men, for each Part of the Kingdom aforesaid, should be chosen, and have Power to raise the Money to defray this, by and with the Advice and Consent of the Guardian of Scotland and the Chamberlain.

These Commissioners for Scotland were directed, by the Act, to meet an *English* Parliament at *Westminster*; three Weeks after the Feast of St. John Baptist next coming; but it was afterwards prorogued two several Times; first, to meet on the Feast of the Assumption of the Virgin [August 15]; and the next Time to the Octaves of the Nativity of the Blessed Virgin [Sept. 17] that Year, to sit to do Business. The Scots Commissioners came to this Meeting; and, as it may be somewhat curious to know the Names and Titles of those that were thus deputed, we shall give them as follow, viz. The Bishops of St. Andrew's and Dunkeld, the Abbots of Coupar and Meauzes, the Earl of Buchan, Mess. John de Moubray, Robert de Keith, Adam de Gordon, and John de Inchemartyn: Earl Patrick was elected as the tenth, but, he not appearing, the King nominated the Earl of Monteth in his Stead. These Scots Commissioners were assigned by the King to treat with two-and-twenty *English*, chosen from the Clergy, Lords, and Commons, about settling the Civil Government of Scotland on the best Foundation. These Commissioners, together, nominated and appointed John Earl of Britain Lord-Lieutenant and Guardian of the whole Kingdom of Scotland; William de Bevercotes, Chancellor; and John de Sandale, Chamberlain. They also appointed eight Justices in Eyre, half Scots, half *English*, there also named, who were to preside over four several Districts assigned them in that Kingdom. Lastly, they named all the Sheriffs for each County, and made many more Rules and Ordinances for the better governing this con-

quered

<sup>b</sup> We suppose the Isles. The old French is, *Un de cea la Mere, et un autre de la*. Ryley, p. 243.

quered Country, which were all confirmed by the King <sup>King Edward I,</sup> in this Parliament. The Whole of this Act, if properly introduced, would make a considerable Anecdote in a general History of Britain.

The *Public Acts* <sup>b</sup> have given us a Copy of the Writs, dated at *Winchester*, April 5, 1306, for summoning another Parliament to attend there on the Morrow of the *Holy Trinity* [May 30] that Year. The Archbishop of *Canterbury* was not called to this Meeting; and it appears by the same Authority, and by a Copy of the King's Letter to the Pope, there inserted, dated at *Winchester*, April 6, Reg. 34, that he was then in Disgrace <sup>c</sup>. Several other Letters confirm it also, but it will still be made more evident by the Sequel; for it is necessary here, in order to keep up the Thread of our History, to relate some Facts which happened at this Time; and though they are not strictly Parliamentary, yet they bear a strong Reference to what was done in former Parliaments.

[ 129 ]

King *Edward* had been long uneasy in his Mind, and looked upon the confirming the Liberties, contained in the two Great Charters, as a Diminution of the Royal Prerogative, as appears by a Complaint which he made to the Pope on that Occasion. *Clement V.* who expected to find his Account in disintangling the King, made use of the Plenitude of his Power, and, by a Bull, absolved him, in Form, from all Oaths and Excommunications which he lay under for the Observance of these Charters <sup>d</sup>. And because the Prelates had obliged themselves, by Act of Parliament, to publish an Excommunication against those that broke the Charters, to avoid the Tenor of this Censure also, the same Holy Father, in another Bull sent to the Bishop of *Worcester* <sup>e</sup>, pronounces all such Excommunications void and of none Effect. In the former Bull the Pope declares, 'That in Case the King had sworn to keep the Charters above-mentioned, yet since he had also sworn, at his Coronation, to maintain the Rights of the Crown, it was reasonable a Regard should be had to this prior Engagement, and therefore his Holiness gives him a

The Pope absolves the King from the Oath he had taken to observe *Magna Charta*, &c.

VOL. I. K Release

<sup>b</sup> Tom. II. p. 986. <sup>c</sup> *Ibid.* p. 989.

<sup>d</sup> *Fœd. Ang.* Tom. II. p. 979. *Dat.* Lugduni, 4 Kal. Jan. Pontificat. sui Primo.

<sup>e</sup> *William de Gainseburgh.*



King Edward I. Release from all Promises prejudicial to his antient Pre-rogative.<sup>2</sup>

*Tyrrel* takes Notice, upon this Occasion, that, at the same Time the King obtained this Bull from the Pope for himself, he complained to the Pontiff for granting the like Absolution for the *Scots*, upon their alledging that their Oath of Fealty had been obtained from them by Compulsion; and from thence he draws this Remark, ‘That Princes, as well as ordinary Persons, are often so transported by Self-Love, that they judge of their own Actions by one Rule, and of those that are anywise subject to them, or under their Power, by another.’

[ 130 ] The King’s Conscience being now at Ease, he puts in Execution a Project that had long lain revolving in his Mind: This was to make a strict Inquiry into the Mutiny and Behaviour of the Barons during his Absence in *Flanders*, as is above related. He began with the Earl Marshal; who, being now in no Condition either to deny the Fact or justify it, casts himself upon the King’s Mercy, made him Heir to all his Lands and Possessions, and even his Titles, and obtained a Pardon<sup>f</sup>. The rest of the Confederates were also examined, confessed, and were deeply fined. At last the King sends for the Archbishop of *Canterbury*, expostulates with him as being at the Head of the Malecontents, and lays High Treason to his Charge; particularly that, when the King was absent on the Score of the War in *France*, the Archbishop entered into a Confederacy with the Earls and Barons, ‘To depose his Majesty, to imprison him for Life, and to set up his Son *Edward* in his Place.’

The Prelate now lost all his former Courage, and, being severely reproached by the King for his Perfidy, he offered nothing in his Justification, but threw himself at the King’s Feet, wept, and implored his Pardon<sup>g</sup>; nay, he was so far confounded, that, Authors say, he offered the King his Pall, and desired his Blessing. The

King

<sup>f</sup> *Pro obtinenda Gratia, constituit Regem Hæredem suum Universorum.* Mat. Westminster, sub Anno 1305.

<sup>g</sup> *Mat. Westminster; Walsingham, p. 91; Chron. W. Thorn, col. 2003:* *Tyrrel* says that the last-quoted Author is partial in his Account of this Matter, because the Archbishop had invaded certain Rights and Privileges belonging to the Abbey of *St. Austin* in *Canterbury*, of which he was a Monk. But if *Thorn* was partial, the afore-cited Authors could not be so on the same Occasion, who both agree in near the same Story,

King replied, That he forgot his Character, and that it King Edward 1.  
was more proper for himself to receive than to give a  
Blessing. In short, the King delivered over the Prelate  
to the Pope's Mercy; who, on a Hearing of the whole  
Matter at Rome, suspended him *ab Officio et Beneficio*;  
under which Suspension he continued all that Reign.

We come now to the last Parliament called by this Anno Regni 35.  
King, which was to meet at Carlisle on the 21st of Ja- 1307.  
nuary, in the Year 1307<sup>h</sup>; which was not only the last, At Carlisle,  
but the longest, according to Prynne, of any he held be-  
fore. We do not find that the Writs for summoning  
the Commons to this Parliament are extant; but those  
*de Expensis Militum*, at the End of it, are printed in the  
4th Part of Prynne's Register, dated Carlisle, March 10,  
by which it appears they were to be allowed *habito Re-  
spectu ad Loci Distantiam, et ad Moram suam diutinam*,  
*viz. a dictis Octavis usque ad Dominicam in Ramis Pal-*  
*marum, rationabiles Expensas suas in veniendo ad nos,*  
*ibidem morando, ut prædictum est, et exinde ad propria*  
*redeundo.*

The first Business of this Assembly was to consider of  
Means to secure the Possession of Scotland, by uniting  
that Kingdom to England, as appears in the Body of the  
Writs to the Lords, dated at Lanercost, November 3,  
preceding. Edward was resolved to spare nothing to  
keep the Scots in Awe, and even to use the most rigorous  
Methods; but the Face of Affairs was to be much al-  
tered in that Kingdom before any fixed Resolution could  
be taken about it.

At this Meeting great Complaints were made by the Complaints of  
Barons against one William Testa, an Italian Priest, sent the Pope's Op-  
by the Pope, for several Oppressions and Extortions of pressions,  
Money, from the Churches and Monasteries of this  
Kingdom, not heretofore used. It was therefore prohi-  
bited the said Priest, by the Consent of the Earls and  
Barons<sup>1</sup>, to do any Thing of the like Nature for the  
future; and Messengers were ordered to be sent to the  
K. 2 Pope

<sup>h</sup> In Octabis S. Hilarii. The Writ for summoning Thomas Earl of Lan-  
caster, with the rest of the Lords, is in Rymer's Fæd. Tom. II. p. 1042.  
See Dugdale's Summons, p. 50, 52.

<sup>i</sup> De Assensu Comitum et Baronum. Mat, Westminster.

**King Edward I.** Pope to prevent such Proceedings from that See <sup>k</sup>. In the same Parliament some Statutes were enacted, touching those Religious Societies that had their principal Monasteries beyond Seas <sup>l</sup>.

At this very Time it was that the Bishop of *Litchfield*, High-Treasurer, put the King in Mind what a pernicious Favourite the Prince his Son had got of *Pierce Gaveston*, a debauched young Man; and of the bad Consequences that might ensue from that Familiarity. *Edward* resolved to apply a Remedy, and therefore, by the Advice of the Parliament, *Gaveston* was banished the Realm, as a Corrupter of the young Prince. Moreover, the King caused his Son to swear never to recall him, and *Gaveston* to swear also never more to return to *England*. Upon that Condition he allowed him a Pension of 100 Marks, to be paid out of the Duchy of *Guienne* <sup>m</sup>. This Favourite was the Occasion of much Disturbance in the succeeding Reign.

*Pierce Gaveston*  
banished.

[ 132 ]

There came also to the said Meeting a *Roman* Cardinal, one *Peter* of *Spain*, sent as an Ambassador by the Pope into *England*, in order to conclude a Marriage betwixt the King's eldest Son, *Edward*, Prince of *Wales*, and *Isabella*, Daughter of the King of *France*, which, for the Sake of Peace between the two Crowns, had before been projected by *Boniface* the last Pope <sup>n</sup>. The King, on his Part, said he was ready to stand to the Agreement, if the *French* King would fulfill all the Articles

<sup>k</sup> The Articles, seven in Number, drawn up against the Court of *Rome* at this Time, are in *Ryley's Placita Parliamentaria*, f. 380; and in *Collier's Ecclesiastical History*, Vol. I. p. 500. The same Authorities also give us a Remonstrance against the Oppressions of the said Court, which was dropp'd in the Parliament-House at this Meeting. Both these are too long for our Purpose. See also *Brady's Compleat History*, Vol. II. p. 87, &c.

<sup>l</sup> *Statutum de asportatis Religioforum*; in the *Statutes at large*; *Coke's 2d Inst.* 580; and in *Ryley's Placita Parliamentaria*, p. 312.

<sup>m</sup> The Sentence, in old *French*, is in *Rymer's Fœdera*, Tom. II. p. 1043.

<sup>n</sup> *Quidam Cardinalis Sabinensis Petrus Hispanus. Mat. Westmister.* It seems that the Business of this Cardinal was not so much to conclude this Marriage, as to enrich himself by the Plunder of the Churches, &c. For the old Monk of *Westminster* tells us that this Cardinal, at his Return from *Carlisle* to *London*, produced a Bull, by which he was empowered to plunder, depilare *Ecclesias Anglicanas*, exacting from all Cathedral, Conventual, Regular or Irregular, Churches and Priors, Twelve Marks *Sterling*; and from every Rectory Eight-Pence from each Mark. 'Till at last the King and Council thought fit to ordain, that the said Cardinal should have no more than what was allowed to Cardinal *Ottoboni*, which was just the Half of what the other demanded.

ticles on his Side. A small Castle in *Guienne*, which the King *Edward I.* of *France* had not yet delivered up, obstructed the Marriage for this Time; and, though it soon after took Place, yet *Edward* never lived to see it, dying this Year of a Dysentery, at *Burgh upon Sands*, in *Cumberland*, and left his eldest Son, *Edward*, Heir to his Kingdoms, with all his Glories and all his Conquests °. The King's Death.

It is out of the Course of these Parliamentary Proceedings to attempt the Characters of any of our Kings, much less of this great and warlike King now before us. His Battles, Sieges, and Conquests we leave to our more general Historians to relate; and his political Capacity, in regard to his own Subjects, may be best gathered from his Conduct and Dealings with his Parliaments throughout the whole Course of his Reign. It has been said that this King gave the last Sanction to the two Great Charters, whereby they were established for ever: But we fear that, if he had lived to return from this last *Scots Expedition*, he would have availed himself of the Pope's Bull of Absolution, and at once have thrown off the Shackles he thought his Subjects had imposed upon him. That painful and voluminous Writer and Collector of *English Records* and History, Mr. *Prynne*, has left behind him his Sentiments on this Matter, in which he has displayed his true Protestant Zeal against Popes and their Bulls to some Purpose. We shall give it in his own Words, without any other Comment or Animadversion P.

‘ The King having now crushed the Earls and Barons who had formerly opposed and conspired against him, with this Archbishop, the Captain, chief Author, and

K 3 Encou-

° This Year also, according to the Archbishop of *Cassel's English Historical Library*, died our Contemporary Historian, *Matthew of Westminster*, styled, for his admirable Collections, *Florilegus*.

There are several Statutes made at different Times, but whether in Councils or Parliaments we know not: They are extant in the *Statutes at large*, but are not taken Notice of by our Historians, viz.

*Stat. de Protectionibus*, at *Westminster*, Nov. 18, 32 *Edward I.*  
An. 1304.

A Definition of Conspirators.

Statute of *Champerty*, Sep. 18, 1305.

An Ordinance for Inquests.

An Ordinance for measuring of Land.

The Statute *de Feoffatis*, May 27, 34 *Edward I.* An. 1306.

Articles of Inquisition on the Statute at *Winchester*. &c.

A Statute of *amortising* Lands.

A Statute of Liberties, &c.

*Ordinatio Forestæ*, &c.

P *Prynne's Parliamentary Records*, Vol. III. p. 1097, 8.



**King Edward I.** Encourager of their Conspiracy, *Quia hujus Intestinae Seditionis causa, Juramentum Regni sui Proceribus de observandis eorum Privilegiis et Immunitatibus a se prestitum esse senserat ejus Religione amplius non teneri, sed Papali Authoritate solvi voluit: Obtinuitque Rex a Domino Papa Absolutionem a Juramento quod invitus præstiterat super observantia Libertatum alias a Comitibus et Baronibus exactarum; usus Consuetudine et Cautelâ Paternâ (scilicet Avi et Patris sui Regis Joannis et Henrici III.) qui quoties instabat Necessitas de facili jurare voluit se satisfacturum Votis eorum, et eâdem facilitate voluit resilere quoties sibi Tempus commodius acciderit, pretendens semper Papalem Absolutionem a præstito Juramento: Qua Regum tam supina Cæcitate, papalis furis dictio ad eam Magnitudinem crevit, ut Reges plus quam Ægyptiaca Obscuritate involuti, Papæ tantum Authoritatis deferentes, quæcunque vel firmissima ac sanctissima Jura atque Fœdera ea dissolvi posse sæpe ad suam et Regnorum Perniciem credebant. In Hebdomada Paschæ, fecit Rex publicari Bullam Apostolicam super Absolutione Juramenti præstiti super de afforestatione jampridem factâ et servandâ, excommunicando Jus Jurandum illud servare volentes, damnantes vero illud approbat et absolvit.*

‘What could be more atheistical, anti-christian, diabolical, scandalous, destructive to Christian Religion, Public Faith, Honesty, Justice, and human Society, than for this and other Popes, by their impious Bulls, to canonize professed Perjury and Breach of solemn Oaths for a Christian Virtue, and damn the Observation of them for a most detestable Crime? Yea, to excommunicate all those as unworthy the Privilege, Name, or Society of Christians, who made a Conscience to observe their solemn, sacred Oaths; and yet to approve, absolve all those as most innocent, meritorious Christians, who perfidiously and wilfully violated them? This letting loose the Lion, and untying the King from the Covenant made with his Subjects concerning their Charters confirmed to them by his three last Acts of Parliament, by absolving him from his Oath, was an Act of little Piety in the Pope, and of as little Conscience in the King; who (as if he now should have no more Need of his Subjects) discovered with what Sincerity he did it, is *Samuel Daniel’s* just Censure of, and Observations thereon;

thereon; which unworthy Act God himself exemplarily King Edward I. retaliated, by the Scots Violation of their Oaths, Covenants, and new Ordinance, most solemnly made and sworn by them to King Edward in Parliament, without any papal Absolution, and raising new Rebellions against him, when he was most secure, to his unparallel'd Vexation.'

To conclude our Historical Account of Parliaments in this King's Reign, it cannot be amiss to insert the Names of the Bishops, Abbots, Priors, and Barons that were called and appeared at this last Parliament held at Carlisle. John Stowe<sup>c</sup>, who has preserved this List in Part, writes, That he had seen an old Register, of good Authority, containing the Names of 87 Earls and Barons, 20 Bishops, 61 Abbots, and 8 Priors; besides many Deans, Archdeacons, and other inferior Clerks of the Convocation; the Master of the Knights Templars; and of every County two Knights, of every City two Citizens, and of every Borough two Burgessees, &c. But the following is a complete List of the Prelates, Abbots, and Barons, in this Parliament, taken from the Record itself.

[ 133 ]

*The NAMES of those who were summoned to Parliament in the 35th Year of King EDWARD I. at Carlisle, in the Octaves of St. Hilary, [Jan. 21] in order to treat upon the Affairs of Scotland, and other Matters specially relating to this Kingdom.*

<b>E</b> <i>EDWARD</i> Prince of Wales,	<i>Edmund</i> Earl of <i>Arundale</i> ,	List of the Parliament held at Carlisle, Anno 1307.
<b>B</b> <i>ARONS.</i>	<i>John de Britain</i> , Earl of <i>Richmond</i> ,	
<i>Henry</i> Lacy, Earl of <i>Lincoln</i> ,	<i>Guy</i> Beauchamp, Earl of <i>Warwick</i> ,	
<i>Ralph</i> Mounthermer, Earl of <i>Gloucester</i> and <i>Hertford</i> ,	<i>Robert</i> Vere, Earl of <i>Oxford</i> ,	
<i>Thomas</i> Earl of <i>Lancaster</i> ,	<i>Gilbert</i> Umfreville, Earl of <i>Angus</i> ,	
<i>Humphrey</i> Bohun, Earl of <i>Hereford</i> and <i>Essex</i> ,	<i>Henry</i> of <i>Lancaster</i> ,	
<i>John</i> Warren, Earl of <i>Surrey</i> ,	<i>Aymer</i> of <i>Valence</i> ,	
	<i>John</i> Ferrers,	
	<i>Henry</i> Piercy,	

*Hugh*

<sup>c</sup> See Stowe's Chron. p. 211. Ryley, p. 318.

King Edward I.

## BARONS.

Hugh Spencer,  
 Robert Fitz-Walter,  
 William Latimer,  
 Robert Clifford,  
 Robert Montalte,  
 Hugh de Veer,  
 Walter Faulconberge,  
 Ralph Bassett, of Draiton,  
 Roger la Warr,  
 John Paynell,  
 Alexander Baliol,  
 Hugh Pointz,  
 Roger Mortimer,  
 William Rither,  
 Reginald de Grey,  
 Walter de Muncy,  
 Robert de Scales,  
 Adam de Well,  
 Almaric de St. Amand,  
 William Cantalupe,  
 John Engaigne,  
 Gilbert Pecche,  
 John de Clavering,  
 William de Leyburn,  
 John de Beauchamp, of Somers-  
 erset,  
 William Grandison,  
 John Hastings,  
 John le Mare,  
 John de Rivers,  
 John de Mohun,  
 Peter de Mawley,  
 Robert Fitz-Pain,  
 Hugh de Courtney,  
 Edmond Deyncourt,  
 John St. John, of Lageham,  
 Geoffrey de Geynual,  
 Thomas de Furnival,  
 Robert de Tony,  
 Thomas de Berkeley,  
 William de Brewse,  
 Peter Corbet,

William Martin,  
 Thomas de Multon,  
 John ap Adam,  
 Philip de Kyme,  
 John de Segrave,  
 Robert Fitz-Roger,  
 John L'Estrange,  
 John L'Isle,  
 John de Sudley,  
 Simon Mountacute,  
 Walter de Tey,  
 Edmund de Hastings,  
 John de Lancaster,  
 John de St. John,  
 Henry Tregoze,  
 John Lovel de Tichmerch,  
 Alan la Zouch,  
 Henry Teyes,  
 Nicholas Segrave,  
 Fulke Fitz-Waren,  
 John Fitz-Reignald,  
 Geoffrey Camvile,  
 William le Vavasour,  
 William de Ferrers,  
 Robert Grendon,  
 Edmund Stafford,  
 Ralph Fitz-William,  
 Thomas de la Roche,  
 Theobald de Verdon, jun.  
 William Tuchet,  
 Henry Hussy. Total 86.

## BISHOPS.

Archbishop of York,  
 Bishops of Lincoln,  
 London,  
 Chichester,  
 Exeter,  
 Hereford,  
 Salisbury,  
 Llandaff,  
 St. Asaph,  
 Bangor,

Bishops

BISHOPS.

Bishops of *St. David's*,  
*Coventry and*  
*Litchfield*,  
*Bath and Wells*.  
*Norwich*,  
*Rochester*,  
*Durham*,  
*Carlisle*,  
*Ely*,  
*Worcester*,  
*Winchester*. 20.

Of Furneys,

*Sawley*,  
*Alnwick*,  
*St. Osith*,  
*Barlinges*,  
*Tupholm*,  
*Biley*,  
*Dale*,  
*Newhus*,  
*Croxton*,  
*Cocker sand*,  
*St. Radegound*,  
*Tichfield*,  
*Torre*,

ABBOTS.

Of *St. Augustin*, in *Canter-*  
*bury*,  
*St. Edmundsbury*,  
*St. Alban's*,  
*Westminster*,  
*Waltham*,  
*Evesham*,  
*St. Mary, at York*,  
*Peterborough*,  
*Ramsay*,  
*Winchecomb*,  
*Gloucester*,  
*Bristol*,  
*Malmesbury*,  
*Glastenbury*,  
*Selby*,  
*Cirencester*,  
*Reading*,

*Holmecolthram*,  
*Welbeck*,  
*Hales*,  
*New Minster*,  
*Foreval*,  
*Fountaynes*,  
*Byland*,  
*Maux*,  
*Kyrkestall*,  
*Roche*,  
*Rufford*,  
*Valdieu*,  
*Grendon*,  
*Stanley in Arden*,  
*Pipewell*,  
*Combe*,  
*Basingwerke*.

[ 135 ]

48.

Stowe adds the Names of some other Abbots, of which the Record takes no Notice: Those are therefore omitted.

The King commanded the Bishops to give Orders to their Deans and Chapters, and to the Clergy of their respective Dioceses, to send Proctors for the same Purpose; all whose Names are inserted in the same Record, but too numerous to be recited.

Writs also were issued to the Sheriffs of every County, to send for each Shire two Knights, for every City two Citizens,



King Edward I. Citizens, and for every Borough two Burgeſſes, *Ad dictum Parliamentum venire, ad Tractandum, &c.* but their Names are wholly omitted in the Record.

[ 136 ]

Price of Provi-  
ſions in this  
Reign,

The following Account of the Price of Proviſions in this Reign, will help to aſcertain the Amount of the Taxes in modern Money. In the Year 1288 Wheat was ſold at *London* for 3*s.* 4*d.* a Quarter, when it was deareſt; and in other Parts abroad for 20*d.* 16*d.* and for 12*d.* the Quarter, and in the Weſt and North Parts for 8*d.* Barley for 6*d.* and Oats for 4*d.* the Quarter. And in the Year 1299 a fat Cock was ſold for 1½*d.* two Pullets for 1½*d.* a fat Capon 2½*d.* a Goofe 4*d.* a Mallard 1½*d.* a Partridge 1½*d.* a Pheazant 4*d.* a Heron 6*d.* a Plover 1*d.* a Swan 3*s.* a Crane 12*d.* two Wood-cocks 1½*d.* a fat Lamb from *Chriſtmas* to *Shrovetide* 16*d.* and all the whole Year after for 4*d.* <sup>2</sup>.

#### TAXES in this King's Reign.

Taxes granted to  
King Edward I.

IN his 4th Year, *A. D.* 1276, he had a Fifteenth granted him by the Earls, Barons, Great Men, and Community of the Kingdom; and by the Archbiſhop of *Canterbury* and his Suffragans, a Subſidy of their Goods (not ſaid how much) as a free Gift only, not to be drawn into Example <sup>a</sup>.

In the 5th Year the Laity gave him the twelfth Part of their Goods towards carrying on the War in *Wales* <sup>b</sup>.

In the 11th Year, towards the War againſt the *Welſh*, the Laity gave him a thirtieth, and the Clergy a twentieth Part of their Goods. Pope *Nicholas IV.* granted him a Tenth of all Eccleſiaſtical Benefices, according to their true Value, upon Oath, throughout all *England*; to be received for the Space of ſix Years next enſuing, for the Relief of the *Holy Land* againſt the *Turks* <sup>c</sup>.

[ 137 ]

In the 19th Year the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and all others of the Kingdom or Government, granted a Fifteenth of all their moveable Goods <sup>d</sup>. This Tax was to recompenſe the King for

<sup>a</sup> *z* *Stowe's Chron.*

<sup>a</sup> *Rot. Pat. 4 Edw. I.*

<sup>b</sup> *Tho. Wykes Hiſt. Ang. ſub An. 1277.*

<sup>c</sup> *Ibid. An. 1283; and the Chronicle of Lanercroſt, quoted by Tyrrel.*

<sup>d</sup> This appears by the Chequer Roll in the 19th of *Edward I.* with the King's Remembrancer. *Inter Communia de Term. Mich. Rot. N<sup>o</sup>. 5.*

for the Loss he had sustained by the Banishment of the King Edward I. Jews.

In the 22d Year the Prelates and Clergy granted the Moiety, or Half, of their Benefices and Goods; to be taken, one third Part at the Feast of *All-Saints* next coming; the other third Part, fifteen Days after *Easter*; and the last third Part, fifteen Days after St. *John Baptist* then next coming. And in the same Year, at a Parliament holden on the 12th of *November* at *Westminster*, when four Knights were summoned from every County, to consult and consent to such Things as the Earls, Barons, and Great Men should ordain, for themselves and the Communities of the Counties<sup>e</sup>, they gave the King a tenth Part of their moveable Goods<sup>f</sup>. In the same Month the City of *London* granted a sixth Part of their moveable Goods, as a Subsidy toward the War. About the same Time there were Commissioners appointed to require, in Person, the Men of all his Demesne Cities and Towns in all the Counties of *England*, by all Ways they should see expedient, to grant a sixth Part, as *London* had done, that it might shew Example to others of his Demesne Towns<sup>g</sup>.

In his 23d Year the Clergy gave the King a Tenth; the Earls, Barons, Knights, and others<sup>h</sup> of the Kingdom, gave an Eleventh; and the Citizens and Burgessees, and other good Men of his Demesnes, gave him a Seventh of their moveable Goods<sup>i</sup>.

In the 24th Year, the Earls, Barons, Knights, and others of the Kingdom, gave a twelfth Part; the Citizens, Burgessees, and Tenants of his Demesnes, gave an eighth Part<sup>k</sup>. The Clergy gave nothing, by reason of an Inhibition the Archbishop had obtained from Pope *Boniface*; which he caused to be published at this Time in all the Cathedrals<sup>l</sup>.

[ 133 ]

In

<sup>e</sup> Rot. claus. 22 *Edw.* I. m. 6. dorf. de *Militibus eligend.* & mittendis ad *Concilium*.

<sup>f</sup> This appears by the Writ for appointing Assessors, Taxors, and Collectors for the same Tenth. 22 *Edw.* I. m. 6. dorf. in *scedula*.

<sup>g</sup> *Inter Record. de An.* 22 *Edw.* I. Rot. 73 de *sexta Parte Regi concessa* in *London*.

<sup>h</sup> *Alii de Regno*.

<sup>i</sup> Rot. claus. 23 *Edw.* I. m. 4. dorf. ib. m. 2.

<sup>k</sup> *Inter Communia de Term.* S. Michael. 25 *Edw.* I. Rot. No. 5. *Penes Remem. Reg.*

<sup>l</sup> *Matt. Westminster.*

**King Edward I.** In his 25th Year he had a Ninth of all the Laity, and a Tenth of the Clergy, for the Confirmation of the Great Charter, and the Charter of the Forests. The Clergy of the Province of *Canterbury* gave a Tenth; and the Province of *York* a Fifth<sup>m</sup>.

In his 29th Year, upon his Confirmation of the Perambulations of the Forests, the Laity gave him a Fifteenth of their Moveables<sup>n</sup>. *Robert de Winchelsea*, Archbishop of *Canterbury*, would grant nothing for the Clergy without the special Licence of the Pope.

In his 32d Year, the King being in *Scotland*, Commissioners were appointed to tax Cities, Boroughs, and his Demesnes in Cities and Boroughs, either Capitation by Poll, or in common, as it might turn most to his Advantage<sup>o</sup>.

In the 33d Year, the King having summoned a Parliament at *Westminster*, to raise Money for the War against the *Scots*. there was given him by the Clergy, Nobility, and Knights of the Shires, the thirtieth Penny of all their moveable Goods; and at the same Time the Citizens and Burghesses gave a twentieth Part of the same Estates. In this Parliament, also, the Archbishops, Bishops, Prelates, Earls, Barons, and other Tenants of his Demesnes, petitioned, That they might have Leave to taliate their Tenants of the same Demesnes, as he had taliated them; and it was granted<sup>p</sup>. And about this Time he had a Fifteenth granted to him in Parliament<sup>q</sup>.

[ 139 ]

In his 34th Year, the King intending to knight his eldest Son, summoned the Archbishops, Bishops, Abbots, Priors, Earls, Barons, and other Great Men, to grant an Aid upon that Occasion. He also sent to all the Sheriffs of *England*, to cause to come two Knights of every County, and of every City two Citizens, and of each Borough one or two Burghesses, as the Borough was greater or less. These Prelates, Earls, Barons, and other Great Men, and also the Knights of Shires, unanimously granted to the King, for themselves and the whole

<sup>m</sup> 25 *Edw. I.* m. 6. dorso.

<sup>n</sup> Rot. Peramb. Forest, 29 *Edw. I.* in Turre.

<sup>o</sup> Rot. Pat. 32 *Edw. I.* in scedula.

<sup>p</sup> Rot. claus. 33 *Edw. I.* m. 9. dorso. *Ryley's Placit. Parl.* f. 246 to 265.

<sup>q</sup> *Ibidem*, f. 60.

whole Community of the Kingdom, a thirtieth Part of K. Edward II. all their temporal moveable Goods, &c. for a competent Aid toward the Knighthood of his Son, and also for an Aid toward his Expences, which he was to be at in the War with *Scotland*. The Citizens and Burgeses also unanimously granted a Twentieth<sup>r</sup>.

A late Historian remarks, That, by the summoning of Knights, Citizens, and Burgeses to Parliament, in this King's Reign, the Government became a Compound of three principal Kinds: The King, as Sovereign, represented Monarchy; the Lords, Aristocracy; and the Commons, Democracy: The Executive Power was solely in the King by his sworn Officers, from whence came this Grand Maxim of the Law of *England*, *That the King can do no Wrong*. The Balance and Measure of Power in the Government was in the King, Church, and Nobility, to the Proportion of above two Thirds of the Landed Interest; but not one Third in the Commons<sup>s</sup>.

[ 140 ]

**E**DWARD the Second, surnamed of *Caernarvon*, began his Reign in the Year 1307, at the Age of Twenty-three Years. Never did Prince come to the Crown under more favourable Circumstances, or was received with more general Joy and Applause by his People: Yet this King's first Step in the Government blasted all their Hopes; for he had scarce done the last Offices to that great Prince to whom he owed his Birth, when, forgetting his Oath concerning *Gaveston*, he recalled that Favourite; and, in an Instant, as it were, made him one of the richest and greatest Men in the Kingdom<sup>t</sup>.

K. Edward II. succeeds his Father, and recalls Gaveston.

In the very first Year of his Reign he called a Parliament to meet at *Northampton*, which was to consider about the late King's Funeral, his own Marriage with the Princess *Isabella of France*, his Coronation, and the present

Anno Regni 1308.

At Northampton.

<sup>r</sup> *Inter Communia Term. S. Trin. 34 Edw. I. No. 40. Penes Remem.* printed in Mr. Petyt's *Appendix to his Rights of the Commons of England asserted*. See also *Jus Parliamentarium*, by the same Author, fol. An. 1736.

<sup>s</sup> *Gurdon's History of Parliaments*, Vol. II.

<sup>t</sup> He made him Earl of *Cornwall*, and gave him all the Lands devolved to the Crown by the Death of the late Earl, Son to *Richard King of the Romans*; with many other Lordships and Possessions, all mentioned in a Charter for that Purpose, and which stands as the first public Act of his Reign. *Fed. Aug. Tom. III. p. 1.*



*K. Edward II.* present State of *Britain*. On these Occasions the Clergy, as well as the Citizens and Burgeſſes, gave a Fifteenth; and the Barons, with the Knights of Shires, a Twentieth. But, in Compliment to their new King, they ſtretched a Point too hard upon his Subjects; for they ordered, That the baſe Coin, which would not paſs in his Father's Time, ſhould not now be reſused on Pain of Life or Limb<sup>w</sup>. This Parliament is not entered on the Rolls, nor are there any Writs or Returns now extant concerning it.

An Order was made at this Time for the Burial of the late King, who was ſolemnly brought from *Waltham*, and interred at *Weſtminſter* with much Funeral Pomp and Ceremony. But to allay the young King's Grief for the Loſs of his Father, a Marriage was alſo concluded in this Parliament between his Favourite *Pierce Gaveston*, the new Earl of *Cornwall*, and the Daughter and Heir of *Gilbert de Clare*, Earl of *Glouceſter*, which he had by *Joan de Acres*, the King's Siſter<sup>x</sup>.

Our modern Hiſtorians are full of Inveſtives againſt this *Gaveston*; and ſay that every freſh Favour granted to this Foreigner, by the King, increas'd the Hatred of the Lords againſt him. One of them obſerves<sup>y</sup>, ' That hardly would an *Engliſhman* raiſed to ſo high a Station have been endured; much leſs a private *Gascoin* Gentleman, in whom they diſcovered no other Merit than a handſome Face, an eaſy Shape, and a quick Wit; very agreeable in Converſation, but little proper to govern a State.' On the other Hand, Dr. *Brady*, from Sir *Thomas de la More*, who was Servant to *Edward II.* and wrote his Life, adds to the Character of his Perſon and Senſe, which the other gives him, ' That he was a great General, and ſufficiently ſkilful in Military Affairs; which appeared by his Management of; and keeping in due Subjection, the *Scots*, when he commanded the *Engliſh* Forces in that Kingdom; and for which, add our Authorities, he was much envied by thoſe who ſaw his happy Succeſs<sup>z</sup>.

However, ſince the Lords plainly ſaw that it was in vain to preſs the King to part with his Favourite, and that

<sup>w</sup> Rot. clauſ. 1 *Edw. II.* m. 18. d. *Walsingham*, p. 96.

<sup>x</sup> *Hollingſhead's Chronicle*.

<sup>y</sup> *Rapin*.

<sup>z</sup> *Brady's Compleat Hiſtory of England*, Vol. II. p. 101.

that he would never consent to it unless he was forced, *K. Edward II.*  
they convened themselves at *Ware*, and from thence  
went to *Northampton*; and the King, having no Forces *Anno Regni 1.*  
to oppose them, was obliged to summon another Par- *1308.*  
liament to meet fifteen Days after. Which being met  
accordingly at *London*<sup>a</sup>, divers Articles were laid to the  
Charge of the Favourite, ‘As abusing the King’s Ear,  
‘by obtaining immoderate Grants to himself; his em-  
‘bezzling the Treasure of the Kingdom, and taking  
‘the best Jewels of the Crown to his own Use<sup>b</sup>.’ Thus  
far *Mr. Tyrrel*; but he omits what *J. Stowe* adds in their  
Complaint, tho’ he quotes the very Passage from that  
History, viz. That the Lords told the King, ‘That  
‘*Gaveston*’s Father was executed for being a Traitor to  
‘the King of *France*; that his Mother was burnt for  
‘a Witch; that the said *Peirce* was banished for con-  
‘senting to his Mother’s Witchcraft; and that he had  
‘now bewitched the King himself<sup>c</sup>.’

At London.

The King, as is said, hoping to divide the Barons,  
and take off some that had been the least provoked, pro-  
posed it to the Archbishop of *Canterbury*, the Bishop of  
*Durham*, the Earls of *Lancaster* and *Hereford*, that he  
would refer all Differences to them, and confirm what-  
soever they should judge most fit to be done on this Oc-  
casion. But the Bishops and Lords would not under-  
go the Odium of such an Arbitration; and said, ‘They  
‘would act nothing without the general Consent of all  
‘the rest of the Barons, who would not be satisfied with  
‘any Thing less than that the Earl of *Cornwall* should  
‘immediately quit the Kingdom.’ This the King de-  
laying to grant, they were about to take up Arms; but  
he fearing the ill Consequence of a downright Denial,  
after many Altercations with his Nobles, was at last  
obliged to part with his Favourite, and to banish him  
from *England* for ever. This Sentence had the Ratifi-  
cation of all the Estates; and, to make it stronger on  
the King’s Part, he confirmed it by Letters Patent under  
the

[ 142 ]

*Gaveston* banish-  
ed again by Order  
of Parliament,

<sup>a</sup> On *Hocday*, says *Stowe*. This Day was called *Hoc-Tuesday*, being  
the second *Tuesday* after *Easter Week*. A Festival antiently kept as a  
Memorial for the *English* mastering the *Danes*. *Jacob’s Law Dictionary*.

<sup>b</sup> *Tyrrel’s History of England*, Vol. III. p. 227.

<sup>c</sup> *Stowe’s History of England*, p. 213. *Tyrrel*, we suppose, not having  
any great Faith in this last Accusation, wholly omitted it.

**K. Edward II.** the Great Seal. But all this was not thought sufficient; for at the same Time the Archbishop of *Canterbury*, with the other Bishops and Prelates of the Church, being assembled in a Synod, thundered out their Sentence of Excommunication against the said *Pierce Gaveston*, if he should remain in *England* beyond the Day prefixed; and against all such as should presume to advise, assist, sustain, receive, or adhere to him, or do any Thing whereby his said Passage over should be hinder'd; with the like Clause against all who should favour, advise, or procure his Return <sup>d</sup>.

And his Adherents excommunicated.

All the Mitigation the King could gain his Minion, in this Matter, was to send him into *Ireland*, over which Kingdom he made him Governor; and the King himself bore him Company as far as *Bristol*.

But there were other Matters, than this Affair of *Gaveston*, transacted at this Parliament. The Lords had a Mind to fall upon new-modelling the Government again; and accordingly presented an Address to the King, complaining, 'That the State and his own Household were so ill managed, that it was absolutely necessary to find Means to prevent the Consequences of this Disorder.' They added, 'That the only proper Method, as they thought, was for the King to leave to certain Lords, appointed by the Parliament, the Care of well-governing the Kingdom, and his own domestic Affairs. This *very modest* Address, which his Father would have made them smart for, this weak Prince gave his Consent to; and, without considering the Consequence of a Condescension so pernicious to his Authority and Quiet, he permitted the Parliament to chuse seven Bishops, eight Earls, and six Barons, to make the proposed Regulation <sup>e</sup>.

[ 143 ]

A Committee appointed by Parliament to govern the King's Affairs.

It must appear plain, to an impartial Reader, that the *Republican Scheme*, broached in his Grandfather's Time, was again set on Foot under this King's Government;

<sup>d</sup> The Form of these Letters Patent, and the Sentence of Banishment, are to be found at large in *Tyrrel's History*, Vol. III. p. 229.

<sup>e</sup> They were the Archbishop of *Canterbury*; the Bishops of *London*, *Salisbury*, *Chichester*, *Norwich*, *St. David's*, and *Llandaff*; the Earls of *Gloucester*, *Lancaster*, *Lincoln*, *Hereford*, *Pembroke*, *Richmond*, *Warwick*, and *Arundel*; and these Barons, *Hugh de Vere*, *William le Marshal*, *Robert Fitz-Roger*, *Hugh Courtney*, *William Martin*, and *John de Grey*. Brady.

See the King's Letters Patent, for constituting these Commissioners, in *Brady's History*, Vol. II. p. 202; and in the *Appendix*, N<sup>o</sup>. 50.

ment; and that the Banishment of *Gaveston* proceeded K. *Edward II.* not so much from the Love the Lords bore to the King's Person, as that they thought his Counsels and Influence would be a great Obstruction to their Designs. No sooner were these Commissioners constituted, but they all took an Oath, *That they would make such Ordinances as should be to the Honour of God, the Honour and Profit of Holy Church, to the Honour of their Lord the King, and to the Profit of him and his People, &c.* After which they made several Ordinances, to the Number of forty-one, which Dr. *Brady* has transcribed from the Parliament Roll, and are printed in his *Appendix*. The same Author has given us a Translation of them, in Effect, with the King's Confirmation of them, both of which are too long for our Purpose<sup>f</sup>: But the Preamble to these Ordinances, to shew the good Designs of the Patriots in those Days, may not be unacceptable to our Readers.

' For that the King was deceiv'd by evil Counsel; and  
' the Nations of *Gascoigny, Ireland, and Scotland*, in  
' Danger to be lost; and the Realm of *England* to be  
' ruined by Oppressions, Prizes, Takings, and Destructions;  
' therefore *Robert* Archbishop of *Canterbury*, the  
' Bishops, Earls, and Barons, chosen according to the  
' King's Commission, did ordain, to the Honour of God  
' and Holy Church, and the Honour of the King and  
' his Realm, in Manner following, &c.'

[ 144 ]

It appears, by the Course of our History, that this Session of Parliament was very long, and, perhaps by Prorogation, continued till the next Year: For they were summoned to meet on the 10th of *August*, and the King's Letter to constitute the Commissioners bears Date the 20th of *March* following.

Not long after this another Parliament occurs, which Anno Regni 2.  
met at *Stamford*, *July 26*: It was summoned to suppress 1309.  
the ill Intentions of the *Scots*; yet we do not find any At *Stamford*,  
Thing done to that Purpose. But here the King so far prevailed with the major Part of the Nobility then present, that they were content *Pierce Gaveston* should enjoy the Earldom of *Cornwall* during Life. This Con-

VOL. I. L descension

<sup>f</sup> *Rotulus Parliamenti de Anno 5<sup>o</sup>. Edw. II. Brady's History, p. 103 to 110.*



K, Edward II. descension of the Nobility was owing, says an Author, to the King's confirming the Decree of the Commission aforesaid <sup>h</sup>.

Anno Regni 3. On the 18th of *October*, the next Year, we find that  
 1310. the King held another Parliament, or rather a Piece of a  
 At York. Parliament, at *York*; for here several discontented Lords refused to come, being greatly dissatisfied at what was done at the last. At this Meeting the renowned *Pierce Gaveston* appeared again, and took his Place as Earl of *Cornwall*; but he had much better have staid where he was, as the Consequence will shew. The Heads of the Opposition, who refused their Attendance, were the Earl of *Lancaster*, the King's Cousin-German; and the Earls of *Warwick*, *Oxford*, *Lincoln*, and *Arundele*; whom Dr. *Brady* puts under the significant Name of the *Ordainers* <sup>i</sup>.

[ 145 ]

The chief Business that was done at this Meeting, was, first the King published his Reasons for the recalling his Favourite, which were, 'That he was banished contrary to the Laws and Usages of the Kingdom, which he, the King, was bound to maintain by the Oath he took at his Coronation; and seeing he was, in the Instrument of Exile, stiled no otherwise than *Good and Loyal*, he returned at his Commandment; and was ready to stand Trial before him, and answer to all such as would accuse him, every Thing that should be objected against him, according to the Laws and Usages aforesaid.' This Declaration was dated at *York*, Jan. 18, and directed to the Sheriff of *Yorkshire*, and all the Sheriffs in *England* <sup>k</sup>.

The

<sup>h</sup> *Tyrrel's History of England*, Vol. III. p. 234.

A Statute made at *Stamford*, 3d of *Edward II.* being a Confirmation of 28th *Edward I.* is extant in the *Statutes at large*, sub hoc Anno.

<sup>i</sup> The Barons now used to come to Parliament, themselves and Attendants armed; there is a general Inhibition from the King, and a particular one to the Earl of *Lancaster*, to forbid this Practice. *Fæd. Ang.* Tom. III. p. 200.

Mr. *Tyrrel* has quoted in one Page, Vol. III. p. 234, two Passages from *Hemingford's Chronicle*, a MS. in his Time; but his Quotations must certainly be erroneous, since, by the learned Dean *Gale's* printed Edition of that Author, that Historian comes down only to the Year 1273, and the Death of *Henry III.*

*Carte* is guilty of the like Mistake, by quoting *Hemingford*, An. 1309, 2 *Edward II.*

<sup>k</sup> *Brady's Appendix*, N°. 53.

The Lords, who were assembled, neglected not this Opportunity offered them, and represented to the King, 'That the Laws and Customs of the Kingdom were not observed, nor the late-made Ordinances regarded.' Upon which the King, to obviate such Reports, issued out another Declaration, by which he commanded and firmly enjoined the Sheriffs of all Counties to proclaim in full County, and in all Cities, Boroughs, and Market Towns, and in other Places which they should think expedient, 'That it was his great Care and chief Desire his Peace should every where be observed; and that all the Laws and Customs of the Kingdom, used and approved in the Time of his Progenitors, and also all the Ordinances lately made to the Honour of God and Holy Church, and his own, to the Profit of him and his People, which were not to the Damage or Prejudice of him and his Crown, or contrary to the Laws and Customs aforesaid, should be maintained and kept. Witness the King at York, Jan. 26<sup>1</sup>.

[ 146 ]

The discontented Lords were then in London, and the King, fearing some Disturbance might happen, sent an Order to the Mayor, Aldermen, and Common Council of London, 'To secure the City, so as by the Meetings of the Prelates, Earls, Barons, and others, there might happen no Hurt or Danger to him or the City<sup>m</sup>.'

The Declaration and Order above availed nothing to better the King's Cause; nor another, wherein he sets forth, 'That he was resolved to preserve the Rights of his Crown and Royal Dignity, the Peace and Tranquillity of Holy Church, and the whole People committed to his Charge in all Things;' and, in order to proceed amicably with the dissatisfied Bishops and Barons, and according to the Power reserved in the Protestation he made when he confirmed the Ordinances, the King appointed Commissioners out of those Prelates and Barons he had with him at York, to treat with those of the Secession at London, about the Observation of the Ordinances, upon which were grounded all their Pretences of Discontent; and to reform and correct, by their good Advice, all such Things in them as were prejudicial or injurious to him, or contrary to the Form

L 2 of

<sup>1</sup> Brady's Appendix, No. 54.

<sup>m</sup> Idem, p. 113. Ex, Pat, Edw, II, P, II, m, 22. Teste Rege apud Ebor, Feb, 8,

K. Edward II. of the Commission, before granted, if any such should appear<sup>n</sup>.

Farther Differences between the King and his Barons.

The Prelates, Earls, and Barons, who were then at London, excused themselves from treating concerning the Ordinances in the Absence of the King, and sent him this Answer, ' That in his Presence, whenever he pleased to call them together, they would treat upon the Ordinances, and should be ready to do all Things according to his own Protestation, and also according to the Protestation they made at the Time of publishing these Ordinances<sup>o</sup>.'

[ 147 ]

It appears by the Dates of these Writs, Declarations, &c. that the King continued several Months in York, whilst these Disputes were in Agitation betwixt him and the seceding Lords. And these Transactions, in several Circumstances, bear a strong Analogy to some in a much later Reign, as the Reader will find in the Course of these Inquiries. Nor were the End of them less fatal in one Reign than the other, since they both terminated in dreadful Catastrophies, the private Murder of one King, and the public Execution of another.

The seceding Lords began now to pull off the Masque, and to declare openly, that they would, by Force, drive *Gaveston* from the King; and accordingly raised an Army, over which, by common Consent, *Thomas Plantagenet*, Earl of *Lancaster*, was made General. After which they sent a Message to the King, worded humbly enough, ' That they besought him either to deliver *Pierce Gaveston* to them; or, as it had been ordained, command him instantly to depart the Kingdom.' The King, putting his Favourite's Preservation on a Footing with his own, retired with him from York to *Newcastle*; where the Barons and their Army followed them. From thence they went to *Tinmouth*, where the King taking shipping, carried *Gaveston* with him to *Scarborough*, and placing him in the strong Castle there, he himself left him and went to York. The Earl of

Lan-

<sup>n</sup> The King's Commissioners were the Bishop of Norwich, *John Salmon*, *Guy Terre*, *John de Crumbevell*, *Hugh de Audley*, *William Deyncourt*, *Henry Spigurnel*, *Henry le Scroop*, Knights; the two last Justices; and *Thomas de Cobham*, *Robert de Pickering*, *Walter de Thorp*, *Gilbert de Middleton*, *John Fraunceys*, and *Adam Briggs*, Clerks. Idem in Append. N<sup>o</sup>. 55. Dated at York, March 8.

• Ryley's Plac. Par. p. 541.

*Lancaster* and his Army still followed them, and coming before *Scarborough* Castle they besieged it; which, after some Time, capitulating, *Gaveston* render'd himself upon Condition, 'to stand to the Judgment of the Barons,' and that he might once more speak with the King. But now, having him at their Mercy, he found but a small Share of it from them; for they soon after, without much Process, beheaded him, as a public Enemy to the Kingdom <sup>P.</sup>

*K. Edward II.*  
They order  
*Gaveston* to be  
beheaded.

To close up this Man's Catastrophe, take Mr. *Daniel's* Character of him in these Words: 'He was a Native of *Gascigny*, and, for the great Service his Father had done to this Crown, was educated by King *Edward I.* with the Prince his Son, by which Means he gained so great an Interest in his Favour. He was a goodly Person, of undaunted Courage, as he shewed himself at a Tournament at *Wallingford*, where he challenged the best of our Nobility, and is said to have foiled them all, which inflamed their Malice against him. In *Ireland*, during the short Time he was Lieutenant there in his Banishment, he conquered the Rebels in the Mountains of *Dublin*, built *Newcastle* in the *Kern's* Country, and repaired *Kauni* Castle, and afterwards passed up into *Munster* and *Thomond*, doing great Service to his Master with much Valour and Bravery. He seems to have been a Person who could not fawn or stoop to those he loved not, nor disguise his Nature so far as to temporize with his Enemies. But, presuming upon his Fortune, he grew in the End to be arrogant and proud, and was so intolerable, as nothing but his Ruin, which it produced, could ease the Subjects of that heavy Burden.'

[ 148 ]

*Gaveston* being thus cut off, the Lords in the Confederacy sent a very haughty Message to the King, proudly demanding, says an old Historian<sup>q</sup>, that their Ordinances should be confirmed and put in Execution, threatening; 'That, if it was not done speedily, they would come and compel him to do it;' and they united all their Forces, and quartered themselves in the Country about *Dunstable*, the King being then at *London*. But soon after a Treaty was set on Foot betwixt the King and

L. 3. his

<sup>p</sup> On a Hill near *Warwick*, June 19, 1312.

<sup>q</sup> *Præterve possulantes.* *Walsingham.*



K. Edward II. his Barons, by the Mediation of some Bishops; and Articles of Agreement, eight in Number, were settled betwixt them<sup>r</sup>. By the first, it was stipulated, ‘ That  
 [ 149 ] ‘ the Earls and Barons, concerned in the Affair above,  
 ‘ should come before the King in *Westminster-Hall*, and  
 ‘ with great Humility, on their Knees, make their Sub-  
 ‘ mission; and swear, if he so desired, that what they  
 ‘ did, and for which they had incurred his Displeasure,  
 ‘ was not done in Despight of him, and they should  
 ‘ humbly pray his Forgiveness, and receive it with a  
 ‘ good Will, &c.’

This Submission was to be made publicly at the next Parliament. But for all that the King took the Death of *Gaveston* so heavily, that he never forgave the Authors of it; and, when he had it in his Power, revenged it severely on them.

Anno Regni 6. In the Year 1313, the King intending an Expedition  
 1313. into *France*, and to carry his Queen with him, in order  
 At *Westminster*. to pay a Visit to her Brother the *French* King, thought proper first to call a Parliament to meet on the eighth of *July* at *Westminster*, and to leave a Commission with the Earl of *Gloucester*, constituted Regent, together with the Bishops of *Bath* and *Worcester*, and the Earl of *Richmond*, to open the Parliament and continue the Session till his Return. The Barons were very impatient to have the Acts of their Pardon and Security pass; and therefore this Meeting did not satisfy them, the King not being present at it, and they all went back to their own Homes. But the King landing a short Time after, and finding how Matters went, thought fit to dissolve that Parliament and to issue out Writs for calling another, which was to meet on the 23d of *September* following at *Westminster*.

The Earl of *Lancaster* came thither attended with a great Number of armed Men, raised from his own Tenants; notwithstanding the King had sent him a positive Inhibition against it, as well as to some other Lords of the same Party<sup>s</sup>. When they were met the King renewed his Complaints before the Clergy and Laity,

<sup>r</sup> See *Brady's* and *Tyrrel's* Histories, p. 117, and 255.

<sup>s</sup> There were Letters of Safe-Conduct directed to the Earls of *Lancaster*, *Hereford*, and *Warwick*, the Barons *Percy*, *Clifford*, *Holland*, and *Fitz-Marmaduke*, with their Attendants and Servants. *Rym. Tom.* III. p. 422.

Laity, 'concerning the Affronts and Injuries he had K. Edward II.  
 'lately received from the Barons; of their taking *Pierce*  
 'Gaveston and cutting off his Head, contrary to the Ar-  
 'ticles he had made at his Surrender.' The Confederate  
 Lords, on the other Side, unanimously answered to these  
 Accusations, 'That they had in nowise offended the  
 'King in what was laid to their Charge; but rather  
 'deserved Thanks and Good-Will from him, since  
 'they did not bring an Army thither in Contempt  
 'of his Authority; but only to destroy a public Enemy  
 'of the Kingdom, who had been often banished by the  
 'Community thereof, and which Sentence had been  
 'confirmed by the King himself, as being a Person who  
 'had not only injured the King's Reputation, but had  
 'robbed the Crown of its Revenues, and had raised per-  
 'petual Diffentions betwixt the King and his natural-  
 'born Subjects.' They also boldly declar'd, 'That they  
 'would no longer trust to his vain Promises, or be de-  
 'ferred any longer of their Securities.' The Queen, the  
 Bishops, and the Earl of Gloucester, *Ralph de Monther-*  
*mer*, who was a neutral Lord in this Matter, undertook  
 to settle these Differences, to mitigate the Displeasures of  
 both Parties, and to make Peace between them. By  
 their Mediation, therefore, the King was to remit his Dis-  
 pleasure towards the Lords, provided that they and their  
 Adherents did, in *Westminster-Hall*, in full Parliament,  
 perform the Submission which had been before agreed  
 on, *viz.* 'That they should humble themselves before  
 'him, and beg his Pardon in whatever they had offended  
 'him, and thereupon the King should again receive  
 'them into his Grace and Favour, and should look up-  
 'on them for the future as his Liege-men and Subjects;  
 'and, confirming all the Articles required, should never  
 'again question any Man for the Death of *Gaveston*;  
 'but should grant his Charter of Indemnity to all that  
 'should desire it'. All which Particulars being agreed  
 to by the King, and perform'd by the Confederacy, they,  
 with the rest of the Great Men of the Kingdom, con-  
 sidering the King's Necessities, granted him a Fifteenth  
 of all their moveable Goods; and then the Parliament  
 was

[ 150 ]

The Barons make  
 a formal Submis-  
 sion.

u The Charter of Pardon is preserv'd amongst the *Public Acts*, in *French*; and there are near 500 Names of Lords and private Gentlemen, the latter most of them North, that took out their Pardons. *Fed. Aug. Tom. III.* p. 443.

K. *Edward II.* was dissolved; every Man going home with Joy and Satisfaction.

The Affairs in *Scotland*, at this Time, went worse than at home; *Robert Bruce*, their new King, taking Advantage of the Civil Dissentions in *England*, had now reduced most Part of that Country to his Obedience.

The Scots gain a great Victory at *Bannockburn*.

[ 151 ]

Anno Regni 7.  
1314.

At *York*.

To recover what was lost, *Edward* raises a vast Army and marches against the Scots King; but met with so great an Overthrow at *Bannockburn*, that, after leaving the greatest Part of his Army dead behind him, he retired with much Precipitation to *York* \*. Here it was that he called a Parliament, or a Council, of his shattered Nobility, to meet on the 15th of *August*; but the Nation being in much Consternation, by their late great Loss, though this Assembly sat from the Time aforesaid untill *Michaelmas*, yet nothing but the Exchange of the Lady of *Robert Bruce*, and some other Prisoners, was concluded at it.

Anno Regni 8.  
1315.

At *Westminster*.

The Price of Provisions settled by Proclamation on Account of the Scarcity thereof.

This Devastation of Men was followed by a dreadful Famine, which lasted three Years, and destroyed an infinite Number of People. To remedy which, and to settle the Price of Provisions, which were grown excessive dear at that Time, the King summoned a Parliament to meet at *Westminster*, on the 20th of *December*, 1315. When the Prelates, Peers, and Commons were there assembled, they took into Consideration the sad Condition of the Kingdom, and how to abate the excessive Price of Victuals; which, by reason of the late bad Years, was grown so scarce that the ordinary People had much ado to live. The Archbishops, Bishops, Earls, Barons, and others of the Community of the Kingdom, presented a Petition to the King and his Council, praying, That a Proclamation might be issued out settling the Price of Provisions in the Manner following, ‘ Because, say they, ‘ that Oxen, Cows, Muttons, Hogs, Geese, Hens, Capons, Chickens, Pigeons, and Eggs, were excessive dear, ‘ that the best Ox, not fed with Corn, should be sold for ‘ sixteen Shillings and no more; and if he was fed with ‘ Corn, then for twenty-four Shillings at most. The ‘ best live fat Cow for twelve Shillings. A fat Hog, of ‘ two Years old, for three Shillings and Four-pence. A ‘ fat Weather, or Mutton, unshorn, for Twenty-pence, and

\* This Battle was fought *June 25*, 1314.

‘ and shorn, for Fourteen-pence. A fat Goose for Two-K. *Edward II.*  
 ‘ pence Halfpenny. A fat Capon for Two-pence. A  
 ‘ fat Hen for a Penny. Two Chickens for one Penny.  
 ‘ Four Pigeons for a Penny; and twenty-four Eggs for  
 ‘ a Penny. And those who would not sell the Things  
 ‘ for these Rates were to forfeit them to the King.’ Pro-  
 clamations were made in every County in *England* accord-  
 ingly. Mr. *Tyrrel* observes that Silver was then at  
 Twenty-pence the Ounce; which must argue a great  
 Allay in it at that Time.

This Petition being made by a Parliament, from  
 thence it became a temporary Statute<sup>a</sup>; yet it did not  
 take sufficient Effect, by reason that the Scarcity of all  
 Provisions still increased; a Quarter of Corn being sold  
 not long after for twenty Shillings, and Barley for a  
 Mark; the Sheep being also mostly dead of the Rot, and  
 Corn being so very dear Hogs and Poultry could not be  
 kept, whereby all Sorts of fresh Meats became so scarce,  
 that the King, going to *St. Alban’s* in *November* this Year,  
 had much ado to get Victuals to sustain his Family.

This Parliament, however, granted the King a twen-  
 tieth Part of their Goods or Moveables; but, in *Staf-*  
*fordshire* and *Shropshire*, some refused to pay it, and hin-  
 dered the Collectors, appointed by the King, from ga-  
 thering it. Their Pretence was, That this Tax was  
 granted on certain Conditions, *viz.* That the King  
 should cause the Great Charter of the Liberties of *Eng-*  
*land*, the Charter of the Forest, the Ordinances made  
 by the Prelates, Earls, and Barons, and the Perambu-  
 lation of Forests, to be observ’d; which had not then been  
 duly put in Execution. The King was much surprized  
 and displeased at this Remonstrance, since he had strictly  
 commanded that all these Laws should be kept, and had  
 assigned Commissioners in all Counties to make the Per-  
 ambulations; whereupon, that he might be thoroughly  
 satisfied

<sup>a</sup> *Per Petitionem Archiepiscoporum, Episcoporum, Comitum, Baronum, et  
 aliorum de Communitate Regni, coram nobis et Consilio nostro exhibitam, &c.*  
 Rot. Parl. No. 35. 36.

This Petition, and the Order of Council made upon it, are entered on  
 the Parliament Rolls, in *French* and *Latin*, of which the foregoing is a  
 Translation. There are no less than 268 Petitions, with their Answers,  
 entered also on the Rolls, all on private Affairs except the former. And  
 in what is call’d the 8th and 9th of the same King, which takes in some  
 Part of the succeeding Parliament at *Lincoln*, diverse Memoranda, as they  
 are there filed, of more Petitions, are there entered, but all on private  
 Property.



K. *Edward II.* satisfied about the Nature of the Action, and have the Names of the Actors, he appointed one of his Clerks to go with the Collectors, and to make Inquiry by themselves, or by the Oaths of lawful Men of those Parts, if it was needful, concerning the Particulars, and certify them distinctly to him <sup>c</sup>.

Anno Regni 9.

1316.

At *Lincoln*.

[ 153 ]

The next Year, 1316, the King summoned a Parliament to meet at *Lincoln*, fifteen Days after *St. Hilary*, or *Jan. 28*; where being met, the King deferred going upon any Business, because his Uncle, *Thomas Earl of Lancaster*, and other Great Men, were not yet arrived; according to whose Advice he intended to proceed. But, in the mean Time, the Chancellor, Treasurer, and Justices of both Benches, were enjoined to bring in Briefs of such Matters depending before them, in their several Places, which could not be determined out of Parliament, that here, in this Session, they might proceed in them as they ought.

This is the first Parliament that is entered on the Rolls in Form; the Preamble tells us, That they met for the first Time in the great Hall belonging to the Dean of *Lincoln*, in whose House the King then lodged. That, being assembled, the King gave Command to *William Inge*, one of the Justices of the King's Bench, to declare the Cause of the Summons; which, he said, was on sundry and arduous Matters, principally relating to the King's Realm of *Scotland*, as had been mentioned in the Writs. That the King desired they would treat on this and other Affairs with all convenient Speed; adding, That the King was under much Concern, that he was obliged to call them together at a Time when the great Scarcity of Victuals must make those, who came from a great Distance, to think their Stay both tedious and burthensome.

A few Days after, the Earl of *Lancaster* and the other Peers being come, the Cause of summoning this Parliament was again declared; also for their Advice and Assistance against the *Scots*, who had possessed themselves of the greatest Part of that Nation, and thrown off all Allegiance to *England*; the King, 'beseeching and en-

assist

‘assist him in this Matter<sup>d</sup>.’ Upon this it was agreed *K. Edward II.* to meet the next Day and treat about Parliamentary Bu-  
siness; when being assembled they debated many Things,  
which took up all that Day, and the King commanded  
they should come together again the Day following;  
when they were to meet in the Chapter-House of the  
Church of *Lincoln*. Here it was agreed, that the Act  
passed the last Parliament, relating to the Proclamation  
for the Prices of Victuals, should be repealed, and that  
they should be sold as formerly at as reasonable Rates as  
they could be afforded. For a very good Reason, says  
*Walsingham*, because, that after that Statute, Provisions  
were grown much dearer, the Dearth still continuing in  
a greater Degree.

Two or three Days after the King, by the Bishop of  
*Norwich*, declared to the whole Body assembled, ‘That  
‘he would observe all the Ordinances formerly made by  
‘the Prelates and Great Men, and also the Perambula-  
‘tions of Forests made in his Father’s Time, saying to  
‘the King his Reasons against them;’ and Writs were  
made out accordingly.

The next Day the Parliament granted to the King, in  
Aid for his War with *Scotland*, of every Village in the  
Kingdom one stout Footman, except Cities, Boroughs,  
and the King’s Demesnes<sup>e</sup>; and these Footmen were  
to be armed and furnished with Swords, Bows, Arrows,  
Slings, Launces, and other Armour fit for Footmen,  
at the Charge of the Towns, and their Expences to be  
paid untill they came to the Place of Rendezvous, and  
their Wages for sixty Days after, and no longer, unless  
the King’s Service required it, at Four-pence a Day.  
Market-Towns that were able to be charged further  
with Men, were so to be charged; the King promising  
to give his Letters to the Peers and Commons, and to  
their Heirs, *That this Grant should be no Precedent, nor  
drawn into Example for the future.*

The same Day, by the Advice of this Parliament, the  
King ordered all the Military Service due to him, which  
was

<sup>d</sup> *Supplicans & injungens Prelatis, Proceribus et cæteris fidelibus et Sub-  
ditis suis. ibidem existendibus, ut sibi in Præmissis consularent, et facerent  
sibi Auxilium opportunum. Rot. Par. 9 Edw. II.*

<sup>e</sup> Cities and Boroughs were not exempted, for we find that the City of  
*London* sent 200, *Canterbury* 40, *St. Alban’s* 10, and so in Proportion to all  
the rest. *Sam. Daniel.* But the Record is otherwise.

K, Edward II. was the whole Militia of *England*, to be summoned to appear at *Newcastle upon Tyne*, fifteen Days after *Midsummer*. Then the Knights, Citizens, and Burgesſes granted the King an Aid to carry on this Expedition into *Scotland*, which was a fifteenth Part of all moveable Goods, on Citizens, Burgesſes, and Men of Cities and Boroughs, and the King's Demefnes, which they were poſſeſſed of at *Michaelmas* laſt.

Before this Parliament was diſſolved, the King, to ſhew his Sincerity towards his Couſin *Thomas*, Earl of *Lancaſter*, ordered the Biſhop of *Norwich* to tell him, ' That he deſired he would caſt away all Fears and ' Doubts on his Account, aſſuring him that he bore the ' Earl a hearty Good-will, with the reſt of the Nobles, ' and held them to be his faithful Liege-men; and further told him, that the King deſired to have him the ' Chief of his Council; requeſting him, in Behalf of the ' King, Prelates, and Great Men there preſent, to take ' upon him and aſſiſt and adviſe in the Affairs of the King ' and Kingdom.' The Earl thanked the King, and humbly requeſted Time to give in his Answer<sup>f</sup>, and, after a very ſhort Pauſe, he conſented to the Propoſal, and was ſworn of the King's Council. Our Records have preſerved the Form of this Oath, or Proteſtation, which, ſince it is ſingular, done in Parliament, and ordered to be entered on the Roll, claims a Place in our Hiſtory.

' Whereas our Lord King *Edward*, by the Grace of ' God, King of *England*, hath, with the Prelates, Earls, ' and Barons of the Land, in full Parliament, requeſted ' his dear Couſin, the Lord *Thomas*, Earl of *Lancaſter*, ' That he would be Chief of his Council in all great and ' weighty Affairs, touching himſelf and his Realm; together with other Prelates, Earls, and Barons, who ' ſhall, between the King and him, take Care, that it ' may be for the Profit of the King and the Realm; the ' ſaid Earl, for the great Love he hath for his Lord the ' King, and for common Profit of the Kingdom, and ' the Ordinances which he had intirely granted to obſerve, and the right Laws to maintain in all Points, ' and in Hopes to make Amendments in ſuch Things ' as had been ill done in his Court, and the Eſtate of ' his Realm, did yield to be of the King's Council, with ' the

<sup>f</sup> *Supplicavit quod ipſe poſſet deliberare et poſtea reſpondere.* In Origin.

‘ the Prelates, Earls, and Barons ; so as at any Time, K. *Edward II.*  
 ‘ if the King shall not do according to his Directions,  
 ‘ and those of his Council, concerning the Matters of  
 ‘ his Court and Kingdom, after such Things have been  
 ‘ shewn him ; and that he will not be directed by the  
 ‘ Counsel of him, and others, the Earl, without Evil-  
 ‘ Will, Challenge, or Discontent, may be discharged  
 ‘ from the Council ; and that the Business of the Realm,  
 ‘ concerning him, shall not be done or performed with-  
 ‘ out the Assent of him and the other Prelates, Earls,  
 ‘ and Barons, which shall be ordained or appointed to  
 ‘ advise him ; and if any of the Prelates, Earls, and Ba-  
 ‘ rons shall advise the King, or do other Thing which  
 ‘ shall not be for the Profit of him and his Realm, then  
 ‘ at the next Parliament, by the Advice of the King  
 ‘ and his Friends, they shall be removed ; and so it shall  
 ‘ be from Parliament to Parliament, as to them, and  
 ‘ every of them, according to the Faults found in them.’

In Witness hereof this Article was ordered to be entered on the Parliament-Roll.

It is very plain by these Proceedings that the King did as much as he could to bring over and establish his Kinsman in his Interest ; and, further, he created him General over the Forces that were to march against *Scotland* ; but Dr. *Brady* observes that no Historian makes Mention of any great Thing he did by this Command. Mr. *Tyrrel* indeed excuses him, and says the Fault lay in the Distrust the Earl still had of the King, which made the whole Expedition miscarry. But the Contemporary Historians, with more Justice, fix it on the horrible Famine which raged in the Land, and destroyed so many People that no Army of any Consequence could be raised amongst them<sup>d</sup>. However it was, we may believe that the Fire was not quite extinguished between these two near Relations, since, in

[ 156 ]

<sup>d</sup> The Famine is reported to be so great, and endured so long, as is almost incredible. The near Contemporary Historians, *Knyghton* and *Walsingham*, give dreadful Accounts of the Scarcity and the Mortality, both of Men and Cattle, which must necessarily ensue. A Quarter of Wheat, the Canon writes, was sold in *Leicester* Market for forty-four Shillings ; twenty Times above its ordinary Value ; for the very next Year there was such a Harvest, that a Bushel of Wheat, which sold before for ten Shillings, was sold for Tenpence ; Oats, that were eight Shillings, for as many Pence, &c. *Chron. J. Stowe.*



K. Edward II. a small Time after, it broke out to the Destruction of them both.

There happened an Affair this Session of Parliament which deserves our Notice. *John Lord Ross* was accused before the King for drawing his Sword upon *Hugh Despenfer* the younger, in the Cathedral Church of *Lincoln*, during Divine Service, in the King's Presence, and in Contempt of his Crown and Dignity. Lord *Ross* pleaded that the other had insulted him first with very contumelious Language, and had afterwards struck him a Blow on the Face, which drew Blood from him: That he, upon this, fearing more Mischief, did draw his Sword, it was true, but not in Contempt of the King, but in his own Defence; and therefore he put himself upon the King's Mercy. But the King considering that these Facts were committed in his Presence, in the Time of the Parliament's Sitting, and in manifest Breach of the Peace, fined each of them 10,000 *l.* <sup>e</sup> a mighty Sum in those Days; and they were committed to the Custody of the Marshal till they paid it. They found Means to get bailed afterwards; but, by the Importancy of the Persons who were their Securities <sup>f</sup>, it is plain the Crime was judged of a very high Nature. Nor did *Hugh Despenfer*, tho' some Time after the King's chief Favourite, gain his Pardon till near four Years after.

There are several Matters else, but of less public Concern, entered on the Rolls, as done in this Parliament, which we omit. The Writs for calling the Commons to this Meeting are not extant, though they are mentioned, under the Name of the whole Commonalty of the Realm, to be at it.

So great were the Confusions that followed this Parliament, by the *Scots* Invasions, that though more were called, yet none sat to do any Business to the Purpose; and one, particularly, which was summoned to meet at *Lincoln*, in the Year 1318, the Writs being revoked for this Reason, 'That his Enemies and Rebels, the *Scots*, 'had invaded *England* and come into *Yorkshire*, committing many Murders, plundering, wasting, and 'burning the Country; so that the King resolved suddenly

<sup>e</sup> *Decem Millia Librarum.*

<sup>f</sup> The Bail were *Adomar de Valentia*, Earl of *Pembroke*; *John de Waren*, Earl of *Surry*; *Edmund*, Earl of *Arundele*; *Gilbert Pecche*, *Thomas Latymer*, and *Roger de Felton*, all Barons. Rot. Parl. 9 Edw. II. No. 5, 6.

‘denly to march against them with an Army to restrain K. Edward II.  
 ‘their Incurfions, and bring them to a Submiffion; and  
 ‘therefore this Parliament was put off<sup>g</sup>.

But, in the Midft of thefe Tumults, the King found  
 an Opportunity to meet a Parliament at *York*, which  
 had been fummoned to come to that City three Weeks  
 after *Michaelmas*<sup>h</sup>, in the Year 1319. Here it was that  
 an Indenture, made betwixt the Earl of *Lancaster* and  
 certain Prelates, Earls, and Barons, who were fent by  
 the King to *Northampton*, to confult with the Earl about  
 the better Regulation of the Government, was read in  
 Parliament, and all Things in it diligently confidered<sup>i</sup>.  
 Upon which the Parliament agreed to petition the King,  
 ‘That, for the Honour of himfelf and the Profit of  
 ‘him and the Realm, for the great Affairs which con-  
 ‘cern him and which do daily happen, he would please  
 ‘to affent, That two Bifhops, one Earl, one Baron, one  
 ‘Baron or Banneret of the Family of the Earl of *Lan-*  
 ‘*cafter*, in his Name and for him, fhould be prefent  
 ‘and remain with him by Turns, or Quarters of the  
 ‘Year, to deliberate with, and advife him in due Man-  
 ‘ner; and that they might deliberate and advife about  
 ‘all confiderable Matters out of Parliament, untill a  
 ‘Parliament fhould otherwife determine concerning  
 ‘them; fo as none of thefe Things fhould be debated  
 ‘without the Counfel or Affent of the Prelates, Earls,  
 ‘and others which remained with the King according  
 ‘to the Form of the faid Indenture; and if any Thing  
 ‘was done otherwife it fhould be void.’

The King underftanding this Request, and, fays our  
 Authority, defiring to be advifed what to do, or ought  
 to be done, for the Honour and Profit of him and the  
 Realm; and confidering that when he received the Go-  
 vernment he found *Scotland* in War againft him, and  
 fince there had been Wars in *Ireland*, and many other  
 Diffurbances had happened in his Dominions, for which  
 he thought it neceffary to have with him the greateft  
 and

<sup>g</sup> *Brady* and *Tyrrel*, from Rot. clauf. 11 Edw. II. m. 3. dorfo. The  
 Writ to the Earl of *Lancaster* is publifhed in *Ryley's Plac. Par. Ap.* p. 559.  
*Fæd. Ang.* Tom. III. p. 712.

<sup>h</sup> *Off.* 20. *Statutes at large*, 12 Edward II.

<sup>i</sup> See the Indenture at large in *Brady* and *Tyrrel*, *Fæd. Ang.* Tom. III.  
 p. 722, &c.

Anno Regni 12;  
 1319.

At *York*.

[ 157 ]

K. Edward II. and most sufficient Advice ; he therefore agreed to have the said Prelates, Earls, and Barons to advise him in the Form aforesaid ; yet so as his own Ministers should always perform their Offices according to the Law and Usage of the Kingdom.

[ 158 ]

And whereas it was contained in the said Indenture, That the Prelates, Earls, and Barons, there named, had undertaken, by the Assent of the King, that he should make to the Earl of *Lancaster*, his People, or Party and Followers, Releases and Acquittances of all Manner of Felonies and Trespasses against his Peace, untill St. *James's* Day this Year ; and that the Charters of Release and Acquittances should be absolute without Condition ; and if better Security could be found for them in the next Parliament, they should have it, and also confirmed by the King and his Baronage ; the King, by the Assent of the Prelates, Earls, Barons, and Commonalty of his Realm, in his said Parliament, granted a Pardon to the Earl of *Lancaster* and his Followers, for the Breach of his Peace, and whatever belonged to him by reason thereof ; and of all Manner of Felonies and Trespasses committed against the Peace unto the seventh of *August* last past, and a Pardon of Outlawry to those that should demand it, if any had been pronounced against them, before the making of their Charters ; and commanded the Bishop of *Ely*, then his Chancellor, That he should make Charters under his Great Seal, absolute and without Condition, for the Earl of *Lancaster*, and such as he should, by his Letters, name to the Chancellor.

Also, whereas in the same Indenture it was contained, That the Ordinances should be holden and kept as they had passed the Great Seal, the King now willed and granted, That they should be so observed, and that all these Things should be entered upon the Parliament-Roll, and sent to the Chancery to be enrolled there, and from thence to both Benches, to be likewise enrolled in them<sup>k</sup>.

At this Parliament also the *Despensers*, Father and Son, came first upon the Stage ; *Hugh Despenser* the younger, being, by Consent of this Assembly, made the

King's

<sup>k</sup> Dated at *York*, the 22d Day of *October*, An. Reg. 12. Feod. Ang. Tom. III. p. 733, 734.

King's Chamberlain. Sir *Thomas de la More*, the Con-<sup>R. Edward II.</sup> temporary Historian of this King's Reign, writes, That he was put upon the King because they knew he hated him. But the young Man soon played his Cards so well that he quickly changed the King's Mind towards him, and became as great a Favourite as *Gaveston*; for which he was persecuted with equal Fury by the Ordainers.

[ 159 ]

We have not met with any Parliamentary Aids given by the Clergy for some Time; but, at a Prorogation of this last Parliament to meet again after *Easter*, an Aid was demanded of that Body: They excused themselves from granting any, without the Pope's Licence; but allowed that a Messenger should be sent to *Rome*, at the King's Expence, for that Purpose. At his Return he brought a Licence from his Holiness, that the Clergy should grant a Tenth for one Year, which was done accordingly<sup>1</sup>.

Another Confederacy of the Barons now started up against the *Despensers*, Father and Son, whose Lands and Lordships they burnt and destroyed all over *England*. *Thomas Earl of Lancaster* was also at the Head of this League; and they had bound themselves by certain written Instruments, or Indentures, to pursue both Father and Son to Destruction<sup>m</sup>. After many lawless Devastations, in which the Innocent were involved with the Guilty, they marched to *St. Alban's*, from whence they sent five Bishops<sup>n</sup> to the King, 'To demand, in their

The Barons demand that the *Despensers* be delivered up to them.

'Names, that the two *Despensers*, *Hugh* and *Hugh*, as 'Traitors, should be banish'd from his Court and Kingdom.' The King answered the Messengers mildly, 'That *Hugh* the Father was beyond Sea in his Service, 'and *Hugh* the Son was at Sea, for the guarding the 'Cinque-Ports, according to his Duty; and that ac-

VOL. I.

M

'cording

<sup>1</sup> The Writ to the Archbishop of *Canterbury*, &c. for collecting this Subsidy, is in the *Public AEs*; in the same Writ is mentioned an Aid from the Commons of an eighteenth Part, and a Twelfth from the Cities and Boroughs in the King's Demesnes. *Fæd. Ang.* Tom. III. p. 787. Dated at *York*, July 20, Anno Regni 13.

<sup>m</sup> See the Indentures at large, with the Names of the principal Confederate Lords, in *Brady* and *Tyrrel*, under the Year 1320. Also in *Fæd. Ang.* Tom. III. p. 868, 923.

<sup>n</sup> The Bishops of *London*, *Salisbury*, *Ely*, *Hereford*, and *Chichester*, who were come to the Confederate Barons at *St. Alban's*, to procure an Accommodation. *Walsingham*, p. 114.



**Ed. Edward II.** According to Right and Custom they ought not to be banished without answering for themselves.

[ 160 ]

This Answer, tho' it seemed so fair and reasonable, says *Tyrrel*, yet did but the more enrage the angry Barons; who, taking up Arms again, marched directly for *London*, where the King then was, and where, in order to settle these Differences and Disorders, he had called another Parliament to meet, *July 15, 1321.*

**Anho Regni 14.**  
**1321.**

**At Westminster.**

This Parliament met at *Westminster* on the Day appointed; but the discontented Lords, tho' they were so near, came not according to the Summons, but remained in *London*, in an armed Posture, in direct Defiance of the King and Laws, for fifteen Days after the Parliament was begun, without once appearing at it°. They held Councils however by themselves, and, without ever consulting the King about it, drew up a Sentence, or Judgment, against the two *Despensers*, and brought it down to *Westminster*, with Force of Arms, which, the King being in no wise able to oppose, they got passed into a Law, and inrolled accordingly. This Sentence, or Statute, being in the Line of our History, must find a Place, translated from the old *French*, as follows:

[ 161 ]

‘ To the Honour of God and Holy Church, and of  
‘ our Lord the King, for the Profit of him and his  
‘ Realm, and to maintain Peace amongst his People, and  
‘ the Estate of the Crown, the Prelates, Earls, Barons,  
‘ and other Peers and Commons of the Realm, do shew  
‘ against Sir *Hugh Despenser*, Father and Son, That  
‘ whereas Sir *Hugh* the Son, at the Parliament held at  
‘ *York*, was appointed to be Chamberlain to the King,  
‘ in which Parliament it was agreed, That certain Pre-  
‘ lates and other Great Men should be with the King  
‘ by Turns, at several Seasons of the Year, the better  
‘ to advise him, without whom no great Business ought  
‘ to be done; now the said Sir *Hugh* the Son, drawing  
‘ to

• In order to keep Peace in the City at this Time, the Mayor caused daily a Thousand Men, well armed, to watch in the several Wards and at the Gates of the City, which began at Four o’Clock in the Morning, and so continued till Six at Night. They were then relieved by the like Number for the Night Watch. Two Aldermen rode nightly about the City, attended with a Number of Officers, to see the Watch well kept. The Gates were shut at Nine o’Clock and opened at Seven; and every Citizen was ordered to have his Harness ready on the least Warning. *Fabian’s Chron.*

\* to him his Father, who was not by Order of Parlia- K. Edward II.  
 \* ment to be near the King, or to be one of those Coun-  
 \* sellors, between them both have usurped Royal Power  
 \* over the King and his Ministers, and the Government  
 \* of the Kingdom, to the Dishonour of the King, the  
 \* Injury of the Crown, and the Destruction of the King-  
 \* dom, Great Men, and People, and have done the  
 \* Wickednesses underwritten, in contriving to turn the  
 \* Heart of the King from the Peers of the Land, that so  
 \* they (the *Despensers*) may have the sole Government  
 \* thereof.

\* That Sir *Hugh* the Son made a Bill, or Writing,  
 \* whereby he would have had Sir *John Gifford* of *Brim-*  
 \* \* *mesfield*, Sir *Richard de Greye*, and others, enter into a  
 \* Confederacy, to have forced the King to do what he  
 \* would have him, and had almost done it; the Tenor  
 \* of which Bill is underwritten.

I. \* Homage and the Oath of Allegiance is more due, Articles against  
the Despensers.  
 \* by reason of the Crown, than of the Person of the  
 \* King, and is more tied or fixed to the Crown, than  
 \* to the Person: And this appears; for that before the  
 \* State of the Crown descends, there is no Allegiance due  
 \* to the Person expectant; wherefore, if the King does  
 \* not govern himself by Reason, according to the Right  
 \* or Law of the Crown, his Lieges are then bound by  
 \* their Oath taken to the Crown, to remove the King,  
 \* and to take Care of the State of the Crown, by a due  
 \* Administration; for otherwise that Oath could not be  
 \* observed. Now if it be demanded, how the King is  
 \* to be dealt with, whether by Suit of Law, or by Ri-  
 \* gour? Not by the former; for no Man can be redres-  
 \* sed that Way, because he can have no Judge, unless  
 \* it be from the King himself; in which Case, if the  
 \* King will not be guided according to Reason, he will  
 \* then be obstinate in his Error: Wherefore he ought  
 \* to keep his Oath, and when the King will not relieve  
 \* him, but is outrageous, and will do that which is in-  
 \* jurious to his People in general, and withal is preju-  
 \* dicial to his Crown, then is it Time for them to pro-  
 \* ceed against him with Rigour; for he is bound by his  
 \* Oath to govern his People and his Lieges; and they  
 \* are bound to govern in Aid of him, in case of his De-  
 \* fault.

Edward II.

II. ' Upon any Application of the Great Men and People unto him, the King's Answer still was according to the Pleasure of these two, in turning the King from his Duty against his Oath, and the Hearts of the Great Men and People against their Liege Lord.

III. ' By their evil Contrivance, they would not suffer the Great Men of the Realm, nor good Counsellors to speak with, or come near the King to advise him, nor the King to speak with them, unless in their Presence, or in the Hearing of one of them; and that too but when they pleased: Thus usurping Royal Power and Sovereignty over the Person of the King, to the great Dishonour and Peril of him, his Crown, and Kingdom.

IV. ' To attain their Wickedness, Covetousness, and to the disinheriting of the Great Men, and the Destruction of the People, they had put out good and agreeable Ministers who had been placed by Assent, and put in others false and wicked, that were of their own Party, who would not suffer Right to be done; as Sheriffs, Escheators, Constables of Castles; and made those Justices, who understood not the Law, as Sir *Hugh* the Father, Sir *Ralph Basset*, Sir *Ralph Camois*, and Sir *John Inge*, and divers others their Friends, who caused, by false Jurors of their Alliance, the Peers of the Land to be indicted; as the Earl of *Hereford*, the Lord *Gifford* of *Brimmesfield*, the Lord *Robert de Monthalt*, and other good People, to get their Lands from them.

V. ' They falsely and maliciously advised the King to raise Arms against his People in *Gloucestershire*, contrary to the Great Charter, and the Award of the Peers of the Land; and, by their false and evil Counsel, would have made War in the Land, for their own proper Quarrel, to the Destruction of Holy Church and the People.

VI. ' Whereas the Earl of *Hereford*, and the Lord *Mortimer* of *Wigmore*, by the King's Command, were assigned to make War upon *Lewellyn Bren*, who had levied War against him in *Glamorganshire*, when the Earl of *Gloucester*'s Lands, by reason of his Death, were in the King's Hands; this *Lewellyn* had rendered himself into those Lords Hands, to the King's Grace and Pleasure,

‘ Pleasure, and upon that Condition was delivered to the King, who received him accordingly ; but when these Lords were out of the Country, these two Sir *Hughs*, the Father and Son, usurping Royal Power, took *Lewellyn*, and carried him to *Caerdiff*. After which, Sir *Hugh* the younger being seized thereof, and pretending to a Jurisdiction where none was in this Case, there caused the said *Lewellyn* to be drawn, hanged, beheaded, and quartered, feloniously, for Things done in the Time of King *Henry* ; and they also took upon them Royal Power and Jurisdiction, which was appendant to the Crown, in Disherison thereof, and to the Dishonour of the King, the said Lords of *Hereford* and *Mortimer*, and in ill Example and great Peril in the like Case for Time to come.

VII. ‘ They ill advised the King, to take into his Hands the Lands and Goods of Sir *Hugh Audley* the Son, who was fore-judged without due Process, contrary to the Law of the Land, by the Covetousness of the said *Hugh* to get some of those Lands ; and, by other false Pretences, contrived to get the Lands of Sir *Roger Damory*, having attainted him upon his entering into *Gloucestershire*, to the Disheritance of the Peers of the Land.

VIII. ‘ That whereas the King had granted by his Letters Patent to the Earl of *Warwick*, in full Parliament at *Westminster*, that, after his Death, his Executors should have his Lands, untill his Heir was of full Age ; which Grant, after the Earl’s Death, was confirmed by the King at *Lincoln*, at the Request and Assent of the Peers of the Land in Parliament : Yet the said Sir *Hugh* the Father procured his Son to cause the King to repeal this Grant, without Cause ; and to give the Guardianship of the said Lands to the said *Hugh* the Father, for his own Profit ; and also had defeated, by evil Counsel, what the King had granted in his Parliaments, by good Advice, and by Assent of the Peers of the Land ; to the Dishonour of the King, and against Right and Reason.

[ 164 ]

IX. ‘ That they would not suffer the King to take reasonable Fines of the Peers of the Land, and others, when they entered upon, and received their Fees, as it had been used before that Time ; but, by Covetousness



K. Edward II. ' to obtain such Lands by the Royal Power, they had  
 ' caused undue Impeachments to be brought, furnishing  
 ' the Land to be forfeited, as were those of Sir *John*  
 ' *de Mowbray* and others, to the Damage and Dishonour  
 ' of the King, and contrary to the Law of the Land, in  
 ' Disheritance of the Great Men and others ; and also  
 ' making the King do against his Oath in Parliament.

X. ' By wicked Covetousness, and ingrossing of Power-  
 ' Royal, they would not suffer the King to hear or do  
 ' Right to the Great Men, upon what they presented to  
 ' him, on Behalf of himself and themselves, touching  
 ' the Disheriting the Crown and them, concerning the  
 ' Lands which were the *Templars* : Also, by usurping  
 ' Power-Royal, they governed the King, his Council,  
 ' and Prelates ; so that, in Matters concerning them  
 ' and their Friends, or which they undertook, no Right  
 ' could be obtained, but according to their Pleasures ; to  
 ' the Damage and Dishonour of the King, the Peril of  
 ' his Oath, and Disheritance and Destruction of the  
 ' People of his Realm.

XI. ' Bishops, Abbots, and Priors Elect, who ought  
 ' to be received of the King, when duly elected, could  
 ' not come near him, nor speak with him to obtain his  
 ' Favour, untill they had agreed and made Fine with  
 ' Sir *Hugh* the Son, according to his Pleasure ; nor those  
 ' that had any Grant to ask of the King, could obtain  
 ' it, before they had made their Agreement or Fine  
 ' with him.

' Which Wickednesses being notorious and true, as it  
 ' is found by the Examination of the Earls, Barons, and  
 ' other Peers of the Land ; *Therefore we the Peers of the*  
 ' *Land, Earls and Barons, in the Presence of our Lord*  
 ' *the King, do award, That Hugh le Despenser the Son,*  
 ' *and Hugh le Despenser the Father, shall be disherited for*  
 ' *ever, as Disheritors of the Crown, and Enemies to the*  
 ' *King and his People ; and shall be banished the Kingdom*  
 ' *of England, never to return again, unless it be by the*  
 ' *Assent of the King, and by Assent of the Prelates, Earls,*  
 ' *and Barons in Parliament duly summoned ; and to quit*  
 ' *the Realm between the Time of the Date of this Sta-*  
 ' *tute, and the Feast of the Decollation of St. John Bap-*  
 ' *tist (or nine-and-twentieth of August) next coming ;*  
 ' *and if found in England after the Day, or if they return*  
 ' *after*

The Award in  
 Pursuance thereof.

‘ after that Day, then to be dealt with as Enemies of K. Edward II.  
‘ the King and Kingdom.’

This, in the printed Copy of *Old Statutes*, is called the Banishment of *Hugh Despenfer*, Father and Son. Yet it is remarkable that these Articles were admitted and taken for granted, without any direct Proof, as the Manner then was to proceed in Parliament.

After this Sentence was publicly read and agreed to, the Confederate Lords had yet another Game to play, which the same Force would easily carry them through. They bethought themselves that it was necessary to have some Security for what they had done ; and, in order to it, they addressed a Kind of Petition, or rather a Remonstrance, to the King, setting forth, ‘ That the two  
‘ *Despensers*, usurping Royal Power, and having the  
‘ King and his Ministers, and the Direction of the Law,  
‘ at their Devotion, or in their Power, the Great Men  
‘ of the Land made a Confederacy by Oath, Writing,  
‘ and in other Manner, without the King’s Leave ; and  
‘ then they and others, with Horse and Arms<sup>p</sup>, had  
‘ march’d against them, and took and seiz’d divers Castles,  
‘ Towns, Manors, Lands, Tenements, Goods, and  
‘ Chattels of the King’s Liege Subjects ; and some of  
‘ them they took and imprisoned, and others they ran-  
‘ somed, and some they killed, and did many other  
‘ Things, in destroying the said *Hugh* and *Hugh*, and  
‘ their Allies and others in *England*, *Wales*, and the  
‘ *Marches*, of which some may be called *Felonies* ; which  
‘ Things having been so done by Necessity, ought not  
‘ to be taken Notice of, nor punished by Law ; nor can  
‘ be without great Trouble or Hazard of War. The  
‘ Barons therefore pray the King, for Peace-Sake, for  
‘ the assuaging of Anger and Rancour, and making  
‘ Unity in the Land ; and that he may more intirely  
‘ have the Hearts and Good-Will of his People, to de-  
‘ fend his own Countries, and offend his Enemies ; that  
‘ it might be accorded, and assented to in full Parlia-  
‘ ment, by the King, Prelates, Earls, Barons, and Com-  
‘ mons ; that no Great Men of the Realm, Prelate,  
‘ Earl, Baron, Knight, Clerk, or Esquire, for the Con-  
‘ federacy

[ 166 ]

<sup>p</sup> The Confederate Lords came to this Parliament, they and their Retinue, clad in odd Party-coloured Habits, Yellow and Green, with a white Band a-crofs their Breasts ; for which Reason this Parliament was called long after, *The Parliament of White Bands*, *Fabian’s* and *Holling. Chron.*

*K. Edward II.* 'federacy made by Oath, Writing, or in other Manner;  
 ' or for riding with the King's or other Banners display'd;  
 ' nor for the taking or detaining of any Castles, Towns,  
 ' Manors, Lands, Tenements, Goods, or Chattels;  
 ' the seizing, imprisoning, and ransoming the King's  
 ' Liege People; or for killing of Men, and other Rob-  
 ' beries, Felonies, or other Things done against the  
 ' King's Peace, which may be judged Trespasses or Fe-  
 ' lonies, from the Beginning of the World to that Day;  
 ' nor that any People, of what Condition soever they  
 ' were, for the Trespasses and Felonies aforesaid, com-  
 ' mitted since *Candlemas* last past, to that Day, should  
 ' be impeached, grieved, or molested at the Suit of the  
 ' King, or any other: But of all such Things, by this  
 ' Statute and Accord, should be quit for ever; saving to  
 ' every one, except the said *Hugh* and *Hugh*, their Right  
 ' to demand and recover their Frank-Tenement and  
 ' their Right, without Punishment from the King, or  
 ' giving Damages to the Party. And also that it might  
 ' be granted by the King in the said Parliament, That  
 ' if any Earl, Baron, or any Great Men, for themselves  
 ' or others, whom they shall name to the Chancellor  
 ' between this and St. *Michael* next coming, will have  
 ' the King's Pardon for Suit of Process of the Peace, or  
 ' what pertains to him, of all Manner of Felonies and  
 ' Trespasses done contrary to the Peace; or of any Dis-  
 ' obediences, Contempts, Conspiracies, Confederations,  
 ' Privy Covenants, and Obligations made against the  
 ' King, they shall have their several Charters of Pardon,  
 ' under the Great Seal, without paying any Fees in the  
 ' Chancery: And that all such Writings to the contrary,  
 ' wherever found, shall be null and void.'

[ 167 ]

After this follows the Form of the Charter of Pardon that was taken out by the Earl of *Hereford* <sup>n</sup> and the rest of the Barons and Great Men, who had been Confederates in this violent Undertaking. It bears Date at *Westminster* the 20th of *August*, in the 15th Year of this Reign.

When all these Things were transacted in Parliament, and the Confederate Barons had got their Charters of Pardons in their Pockets, they broke up and returned home.

<sup>n</sup> *Humphry de Bobune*

home°. Yet, upon better Consideration, they were not K. Edward II.  
mighty well satisfied with what they had done; and  
fearing that they had provoked the King beyond all Possibility of a thorough Reconciliation, they kept always arm'd, and never trusted themselves but in secure Places; which, says Tyrrel, are the usual Consequences of unjust and violent Actions. But, not long after, there happened an Accident which proved of fatal Consequence to the Barons' Party, and gave the King an Opportunity to recall the *Despensers*, the elder of whom continued still abroad; but the younger lay for some Time concealed in *England*, yet afterwards went to Sea and turned Pirate, robbing whatever *English* Merchants he could meet with.—The Affair was thus:

Queen *Isabel*, whom all Authors allow to be the chief Promoter of Peace and good Harmony between the King and his Barons, intended to make a Progress to *Canterbury*; and in her Journey thither purposed to lodge at *Ledes Castle*, in *Kent*, over which *Bartholomew de Badlesmore* had, by the King, been made Governor<sup>p</sup>. This Man was a rich and potent Baron, and one of the Confederacy; and when the Queen's Marshal came to the Castle to provide Lodgings for her, he was flatly denied Admittance, with this saucy Answer, 'That they would not suffer the Queen, or any other, to enter there without Command, or Letter, from the Lord of it.' She after came herself and demanded Entrance into the Castle, and was still denied, by which she was forced to seek Lodgings elsewhere. At her Return to the King she complained to him of the Affront offered to her; which moved him to a great Degree, insomuch that he raised Forces immediately, went down to *Ledes Castle*, besieged and took it, and hang'd up the Deputy-Governor of it, with many of the Garrison, upon the Spot.

This Digression is thought necessary, to give our Readers a View of the Rise of the intestine Troubles which

° This is the only Parliament which *Ryley* has given the Proceedings of in this King's Reign. Here are a great many Petitions on private Affairs, and the Petitioners were obliged to deliver them to Commissioners appointed for that Purpose. *Ryley's Placita Parliamentaria*, p. 386, &c.

<sup>p</sup> He had been a long Time Steward of the King's Household, and, for his Services, the King gave him this Castle in Fee; and he had been sent by the King to the Barons, to desire they would desist from their outrageous Proceedings against the *Despensers*, whom he basely deserted and joined with the Barons. *Idem*.



**K. Edward II.** which followed. The Barons, being provoked at this Step of the King's, resolved to revenge it, which the King was as ready to vindicate: And then followed the Civil Wars between them, which all our Historians have sufficiently described, and are foreign to our Purpose. The Earl of *Lancaster* was taken Prisoner at the Battle of *Boroughbridge*, brought before the King and several of the Nobility at his own Castle of *Pontfrete*; when Articles of High Treason, for divers heinous Crimes, were exhibited against him<sup>q</sup>, and he adjudged, by those Peers, to die the Death of a Traitor. The King, by reason of Proximity in Blood, remitted the drawing and hanging, and he was beheaded on a Hill near *Pontfrete*, *March 25, 1322*<sup>r</sup>. With this Earl fell many of the Confederate Barons, taken at the same Time, who were executed in several Parts of the Kingdom; amongst whom was *Bartholomew de Badlesmore*, the Author of all this Mischief.

[ 169 ]

Anno Regni 15.  
1322.

At York.

The King being at *Derby*, just before the Defeat of the Barons' Army, issued his Summons for a Parliament, dated from the same Place, *March 14*, in the 15th Year of his Reign, to be holden at *York*<sup>s</sup>. They met in that City, according to Summons, three Weeks after *Easter*; when, upon the Petitions of the *Despensers*, Father and Son,

<sup>q</sup> See the Articles at Length in *Tyrrel*, p. 289, &c. *Fœd. Ang.* Tom. III. p. 936

<sup>r</sup> They caused him first to turn his Face towards *Scotland*, for the greater Odium, whilst a Villain of *London* cut off his Head. *Leland. Itin. Ed. Hearne.*

His Attainder was revoked in Parliament in the succeeding Reign, on the Petition of *Henry Earl of Lancaster*, his Brother and Heir. The Hill on the North-East Side of the old Town of *Pontfrete* is called *St. Thomas's Hill* at this Day. His Body was buried in the Priory Church there, which is now the old decayed Parish-Church, on the Right Hand of the High Altar, and many Miracles were reported to be done at his Tomb. *Dr. Brady* has printed an old Legend of them. *Mr. Tyrrel* bestows a whole Page on the Truth of these Miracles, and concludes thus, 'I have no more to say concerning the intended Sainting of this great Nobleman, but that the People of *England*, when excited by the Monks, have been very prone to count those for Saints whom they supposed laid down their Lives in the Defence of the Liberties of the Church and Nation; as appears by the Hymns and Prayers that were addressed to *Simon Montfort*, Earl of *Leicester*, mentioned in the Reign of *Henry III.*'

<sup>s</sup> The King's Writ to the Earl of *Arundele*, Chief Justice of *Wales*, commanding him to send 24 Members from *South-Wales*, and as many from *North-Wales*, to this Parliament at *York*, is in *Ryley's Plac. Parl. App.* p. 570.

Son, to the King, the Process and Judgment against *R. Edward II.* them, for their Disinheritance and Exile, were brought into Parliament; and, upon shewing divers Errors in them<sup>t</sup>, were revoked and made null. All which Process and the Statute made thereupon, being still on the Rolls in the Tower, are translated at large by *Dr. Brady*, 'Because, says he, they contain some of the History and much of the Practice and Manner of Great Men's living in those Days.' As we have given the Articles exhibited against the *Despensers*, it would be inconsistent with the Impartiality we profess, to omit the Statute for revoking their Sentence of Banishment; since it may justly stand as a Summary of the Defence they were not allowed to make at the Time of their Accusation.

This Statute of Revocation first relates to *Hugh* the Son, and begins with the Recital of the Sentence or Award made at a Parliament, held three Weeks after *Midsummer* last past, against the said *Despensers*, Father and Son; as also a Petition which the Son had some Time before given to the King, shewing, 'That while he was in his Service, as his Chamberlain, the Lords *Mortimers*, Uncle and Nephew, with divers Barons there named, made a Confederacy by Oath and Writing, to pursue and destroy him: By virtue of which they, with their Retinues, consisting of 800 Men at Arms, 500 Hoblers, or Light Horse, and 10,000 Foot, came to *Newport*, in *Wales*, and from thence marched forwards to take his Towns and Castles; and entering upon his Lands, they killed Part of his Tenants, or People, some of which were Knights, therein named, besides others of the same Degree, who were made Prisoners; and they took and carried away his Goods and Chattels. Then it proceeds to recount every Thing in particular; as how much Provisions of all Sorts, what Horses, Armour, and other Things, were lost; as also how many Oxen, Cows, and Sheep, to a vast Quantity, they then plunder'd and carried away; together with the Loss of his Charters, Writings, and ready Money; as also the burning his Granges, de-

The Petition of the two *Despensers* against the said Award.

[ 170 ]

<sup>t</sup> One Reason assigned for the reversing them was, that none of the Bishops assented to the Award of Banishment; but entered into a Protestation against it. *Collier's Eccles. Hist.* p. 526. From claus. 15 *Edw. II.* m. 14. verso.

K. Edward II. 'stroying his Crop upon the Ground, seizing of his  
' Rents and Debts, and disparking his Parks; all which  
' Damages, as appeared by casting up the Particulars  
' therein mentioned, amounted to the Sum of near  
' 20,000*l*.

Then it further recites, ' That they, the said Earls  
' and Barons, with all their Force and Power, came to  
' the Parliament at *Westminster*; and there, upon false  
' Accusations, without calling the said *Hugh* to answer,  
' against all Manner of Right and Reason, and against  
' the Law of the Land, erroneously awarded him to be  
' disinherited, and exiled *England*: Wherefore he prays  
' the King, as he is bound by Right of his Crown, and  
' by the Oath he made at his Coronation to maintain  
' all People in their Rights, that he would please to  
' cause to be brought before him the Process of the  
' Award made against him, that it may be examined;  
' and that the said *Hugh* may be admitted to shew the  
' Errors in it, and if there shall be any found, he would  
' please to repeal and redress them; with a Protestation  
' that he will be hereafter ready to answer any Com-  
' plaint according to Reason.'

Next it proceeds to shew the Errors of the said Pro-  
cesses, as,

I. ' That the Great Men who pursued and destroy'd  
' him, prayed Pardon of the King for all those Things  
' which might be judged Felonies or Trespasses in that  
[ 171 ] ' Pursuit, which they made by their own Authority; by  
' which they wrongfully made themselves Judges of him,  
' where they could not, nor ought to be Judges.

II. ' That the said *Hugh* was not called into Court,  
' to answer when the Award was made; also, that the  
' Sentence was given without the Assent of the Prelates,  
' who were Peers in Parliament.

III. ' That there was no Record of their Pursuit, or  
' the Causes contained in the Award; also, that the  
' Award was made against the Form of the Great Char-  
' ter; wherein is contained, *That no Man shall be fore-  
' judged, nor in other Manner destroyed, unless by Judg-  
' ment of his Peers, or by the Law of the Land.*

Then he requests the King to take Notice, ' That  
' the Great Men were summoned to come duly to the  
' Par-

Parliament, yet did not ; but came with Horſe and *K. Edward II.*  
 Arms, and all their Force : After which he the ſaid  
*Hugh* came in, and ſurrendered himſelf Priſoner to the  
 King, praying to be received into his Protection, to  
 proſecute his Complaint, and that Right might be done  
 him in theſe Matters : That the King received him as  
 he ought to do ; and cauſed his Petition to be carried  
 to the Archbiſhop of *Canterbury*, the Biſhops, and  
 other Prelates and Clergy in the Province of *Canterbury*,  
 then being in a Provincial Council at *London*, charging  
 them by the Faith they owed to him, to adviſe about  
 the Petition, and let him know their Thoughts con-  
 cerning it. And when they had well adviſed thereup-  
 on, they answered, That it ſeemed to them, that the  
 Proceſs and Award of the Exile and Diſinheritance of  
*Hugh* the Son and Father, were erroneous and wrong-  
 fully made ; wherefore they agreed, and unanimouſly  
 aſſented, as Peers of the Land, and prayed as Peers  
 Spiritual, that the Award which was made wickedly  
 and wrongfully againſt God and all Manner of Right,  
 might be by the King repealed and annulled for ever.  
 And they ſaid further, That they, nor any of them,  
 ever aſſented to the ſaid Award : But that every one  
 of them, at the Time when the Award was made, did  
 make Proteſtation in Writing, that they could not,  
 nor would, aſſent to it for ſeveral Reaſons. And the  
 Earl of *Kent*, the ſaid King's Brother, the Earls of  
*Richmond*, *Pembroke*, and *Arundele*, with the Prelates,  
 being before the King, ſaid the Award was wrongſul,  
 and againſt Law and Right ; and prayed him, as the Pre-  
 lates had done before, to null and make void the Award :  
 And the ſaid Earls affirmed, That, for Fear of the Force,  
 which the Great Men ſuddenly brought to the Parlia-  
 ment, in order to make the Award, which was to  
 them unknown and unexpected, they gave their Aſſent  
 to it, and alſo adviſed the King to ſuffer it to paſs ;  
 for which Offence and Miſtake they prayed his Par-  
 don.'

[ 172 ]

We have been the more particular in the Recital of  
 theſe Proceedings mention'd in this Statute, becauſe they  
 do not only ſerve to confirm what our Hiſtorians have  
 related concerning theſe Matters ; but may alſo inform  
 ſuch as are curious in the antient Proceedings of Parlia-  
 ment,



K. Edward II. ment, as to what was then looked upon sufficient to render any Process begun there erroneous.

Then immediately follows, in the same Record, a like Petition deliver'd in Parliament by *Hugh le Despenser* the Father, being to the same Effect with that of his Son's; setting forth, ' That the same Great Men before named, ' and other Adherents and Confederates, with Force and ' Arms, on the Day of St. *Barnaby*, in the fourteenth ' Year of the King, came to his Manor of *Fastern*, in ' *Wiltshire*, and twelve others in that Shire, and in other ' Counties, viz. Six in the County of *Gloucester*, four in ' *Dorsetshire*, five in *Hampshire*, two in *Berkshire*, six ' in *Oxfordshire*, three in *Buckinghamshire*, four in *Sur-* ' *rey*, one in *Cambridgeshire*, two in *Huntingdonshire*, ' five in *Leicestershire*, one in *Yorkshire*, one in *Lincoln-* ' *shire*, five in *Cheshire*, and five in *Warwickshire*; in all ' Sixty-three Manors there named; ' [which shews the vast Estates the two Lords *Despensers* had in those Days]. But as for the Destruction and Havock the Barons made upon the Lands of *Hugh* the Father, they were much to the same Effect with those that were done to the Son, only greater; as ' the driving away of ' 28,000 Sheep, 22,000 Oxen, Heifers, and Cows, be- ' sides the spoiling of two Crops, one in the Barn, and ' the other upon the Ground; the taking away above ' 600 Horses and Mares, besides a vast Quantity of Pro- ' visions of all Sorts, and Armour for 200 Men; and ' the Destruction of his Houses and Goods to the Value ' of above 30,000 *l.* as also the taking away out of the ' King's Castle at *Marlborough*, 36 Sacks of Wool, a ' Chalice and Cross of Gold, divers rich Vestments and ' other Ornaments belonging to the Chapel; besides ' other Goods and Furniture, to the Damage of 5000 *l.* ' more.'

This may suffice to give the Reader a true Notion of the great Power and Riches of the *English* Barons in those Days, as also of their antient Manner of Living, and the Reasons why they were then able to keep such great Hospitality, since they manag'd their Estates or Demesnes by the Stewards or Bailiffs of their Manors, who sold or spent the Live-Stock and Husbandry upon them, as was most for their Lords Advantage; there being then few or no Farmers or Husbandmen able to take

Leases

Leases of Lands for Years, much less at a Rack-Rent, K. Edward II, paying a yearly Sum of Money for them, as is practised at this Day.

Then, excepting the Difference of the Losses set forth in the Father's Petition, being of much greater Value than those of the Son's, the Conclusion of it is alike Word for Word; and the same Errors are assign'd as in the former Process or Award, with a like Recital of *Hugh* the Father's rendering himself Prisoner to the King, and being also received into his Protection.

Next follows the King's Judgment in this Form,  
 ' We afterwards, at our Parliament held at *York* three  
 ' Weeks after *Easter*, in the fifteenth Year of our Reign, The Process and  
 ' caused to come before us the Process of the Award; as Award against  
 ' also the Petition of the said *Hugh* the Son, and *Hugh* them revok'd by  
 ' the Father, in these Words; To the Honour of God, the King in  
 ' and Holy Church, &c. At which Parliament at *York*, Parliament.  
 ' the said *Hugh* the Son, and *Hugh* the Father being  
 ' brought before us in Court, prosecuted their Com-  
 ' plaints, and prayed us to do them Right; when the  
 ' said *Hugh* the Son, for himself, alledged the Errors in  
 ' the Process, as aforesaid; and also *Hugh* the Father  
 ' alledged the same Errors, and prayed severally and  
 ' jointly, that as the Award was made erroneously and  
 ' wrongfully, against the Laws and Usages of the Realm,  
 ' and against Common Right and Reason, that we would  
 ' annul and defeat the said Award, and that they, the  
 ' Complainants, might be remitted and reconciled to  
 ' our Faith, and to such Estate as they had, and were  
 ' in, before the Awards. And hereupon hearing the  
 ' Reasons of the said *Hugh* and *Hugh*, we caused the  
 ' Process to be examined in full Parliament, in the Pre-  
 ' sence of the Prelates, Earls, Barons, Knights of  
 ' Counties, and the People that were come by Reason  
 ' of the Parliament; and we found the said Award was  
 ' made without calling them to answer, and without the  
 ' Assent of the Prelates, who are Peers of the Realm in  
 ' Parliament, and against the Great Charter of the  
 ' Franchises in *England*; which says, *No Freeman shall*  
 ' *be banished, or otherwise destroyed, but by lawful judg-*  
 ' *ment of his Peers, or the Law of the Land*; and for  
 ' that they were not called in Court, to make Answer,  
 ' &c. for these Errors, and for that the Causes of the  
 said

K. Edward II. ' said Award were not duly proved : As also having Re-  
 ' gard to this, that we caused the Parliament at *West-*  
 ' *minster* to be summoned in due Manner, and com-  
 ' manded by our Writs the said Great Men, who made  
 ' the said Award, not to make Assemblies and Alliances,  
 ' or come with armed Men, yet they came with all their  
 ' Force to that Parliament, notwithstanding our Com-  
 ' mand; and when they came to *London* in that Manner,  
 ' they held their Councils and Assemblies without coming  
 ' to us at *Westminster* according to Summons; and when  
 ' we sent to them to come to the Parliament at *Westmin-*  
 ' *ster*, as they ought, they would not come, nor let us  
 ' know their Mind, nor the Cause of the Award, tho' we  
 ' had begun and held the Parliament for fifteen Days and  
 ' more, and caused to come before us the Prelates, and  
 ' some Earls and Barons, Knights of Counties, and others,  
 ' who came for the Commons of the Realm; and caused  
 ' it to be published, that those that had Petitions to pro-  
 ' mote, should deliver them : And, after Proclamation  
 ' thus made, no Petition was delivered, or Complaint  
 ' made against the said *Hugh* and *Hugh*, untill they,  
 ' the Barons, came as aforesaid; and the Contrivance of  
 ' the said Award they wholly conceal'd and kept from  
 ' us, unto the very Hour they came to *Westminster*, with  
 ' Force and Arms, and made their Award against Rea-  
 ' son, as a Thing treated and agreed on amongst them-  
 ' selves, by their own Authority, in our Absence; en-  
 ' croaching upon the Regal Power, Jurisdiction and  
 ' Connufance, and Judgment of those Things which be-  
 ' long to our Royal Dignity : Wherefore we could not  
 ' at that Time stop the said Award, nor do Right to the  
 ' said *Hugh* and *Hugh*, as it belonged to us. And further  
 ' taking Notice, that those Great Men, after the Award  
 ' made, prayed our Pardon and Release for confederat-  
 ' ing themselves by Oath, Writing, or in other Manner,  
 ' without our Leave; in pursuing the *Despensers*, and  
 ' marching with our Banners, and their own Ensigns  
 ' display'd; and taking and possessing Castles, Towns,  
 ' Manors, Lands, Tenements, Goods, and Chattels;  
 ' and also taking and imprisoning People of our Alle-  
 ' giance, and others; some they wounded, and some  
 ' they killed, and many other Things they did in order  
 ' to destroy the said *Hugh* and *Hugh*, in *England*, *Wales*,  
 and

and other where; of which some might be called Trespasses, and others Felonies. Also it appear'd, that those Great Men were Enemies to, and hated them at the Time of the Award, and before; wherefore they ought not to be their Judges, in their own Prosecution of them, nor have Record upon the Causes of the said Award. And we are bound by Oath made at our Coronation, and obliged to do Right to all our Subjects, and to redress and cause to be amended all Wrongs done to them, when we are required, according to the Great Charter, by which *we are not to sell or delay Right and Justice to any one*: And, at the pressing Advice and Request of the Prelates, given us for the Safety of our Soul, and to avoid Danger, and to take away an evil Example for the Time to come, of such Undertakings and Judgments in the like Case, against Reason: Wherefore we seeing and knowing the said Process and Award, made in the Manner aforesaid, to be as well to the Prejudice of us, the Blemish of our Crown and Royal Dignity, against us and our Heirs, as against the said *Hugh* and *Hugh*, and for other reasonable Causes; we, by our Royal Power, *in a full Parliament at York, by the Advice and Assent of the Prelates, Earls, and Barons, Knights of Counties, and Commons of the Realm, and others*, being at our Parliament at *York*, do wholly annul and defeat the said Award of the Exile and Disinheritance of the said *Hugh* and *Hugh*, and all Things in the Award; and do fully remit and reconcile the said *Hugh* the Son, and *Hugh* the Father, to our Faith and Peace, and to the Estate they had and were in, before the making that Award in all Points. And we adjudge, that they have again Seisin of their Lands and Tenements, Goods and Chattels, &c. And we will and command, that wherever the said Award is inrolled in any of our Courts, it be cancell'd and annull'd for ever.

[ 176 ]

Accordingly the Roll was cancelled, and remains so at this Day, with this Memorandum written under the said Award: 'These Things above-written are nulled and cancelled by the Force of the Award and Decree made in the Parliament at *York*, held three Weeks after *Easter*, in the 15th Year of the Reign of our Lord King *Edward*.'

And the Roll thereof cancelled.



K. Edward II. In this Parliament also, at *York*, the Prelates, Earls, Barons, and the Commons of the Realm, there assembled by the King's Command, caused to be rehearsed and examined the Ordinances, dated the 5th of *October*, 5 *Edward II.* and for that, by Examination thereof, it was found in the said Parliament, 'That by the Things 'which were formerly ordained, the King's Power was 'restrained in many Things contrary to what was due 'to his Seigniori-Royal, and contrary to the State of the 'Crown; and also, for that in Times past, by such Ordinances and Provisions made by Subjects over the Power-Royal of the Ancestors of our Lord the King, Troubles and Wars came upon the Realm, by which the Land or

[ 177 ]

'Nation was in Danger; it was accorded and establish'd 'in the said Parliament by our Lord the King, the Prelates, Earls, Barons, and all the Commonalty of the 'Realm at that Parliament assembled, That all those 'Things ordained by the former Ordainers, and contained in those Ordinances, from thence forth, for the 'Time to come, should cease and lose their Force and 'Effect for ever; and that, from thence forward, in no 'Time, no Manner of Ordinances or Provisions made 'by the Subjects of our Lord the King, or his Heirs, by any Power or Commission whatever, over or upon the 'Power-Royal of our Lord the King, or his Heirs, or 'against the State of the Crown, shall be of any Value 'or Force; but all Things that shall be established for 'the Estate of the King and his Heirs, and for the State 'of the Realm and People, may be treated, accorded, 'and established in Parliament by the King, with and 'by the Assent of the Prelates, Earls, Barons, and Commonalty of the Realm, as hath been accustomed.'

The Ordinances  
declared to be an  
Invasion of the  
Prerogative Royal.

At this Parliament all such as had taken Part with the Earls of *Lancaster* and *Hereford* were disherited of all their Lands and Possessions, except the Lord *Hugh Audley*, the younger, and some few more. The said Lord was pardoned, because he had married the King's Niece, Sister to *Gilbert Earl of Gloucester*, slain at the Battle of *Bannockburn*, in *Scotland*. Here also the King's eldest Son was created Prince of *Wales* and Duke of *Aquitain*; *Hugh Despenfer*, the elder, Earl of *Winchester*; and *Andrew de Harkley*, who commanded Part of the King's Forces

Forces at the late Battle of *Boroughbridge*, Earl of *Car-* K. *Edward II.*  
*lisle.*

To crown all, and further to shew their Loyalty to their Sovereign Prince, this Parliament granted him one Foot-Soldier out of every Village in the Kingdom, and more out of Towns and Cities in Proportion, to be armed and maintained for forty Days, at the Expence of the Inhabitants. The Barons, Knights, and Freeholders of each County gave a Tenth, as the Cities, Boroughs, and Towns, of antient Demesne, did a Sixth, of their Moveables. The Clergy also, not to be behind-hand with the Laity, not only offered to raise the King the two Years Tenths (which had been laid upon them by the Pope, and they had scrupled to pay) in one Year, but also granted him an Aid of Five-Pence in every Mark for the Province of *Canterbury*, as those of *York* did Four-Pence. Finally, the King, to shew he was not insensible of these liberal Grants and Donations, ordered that the Ordinances, which had been voted void, should be again examined by Men of Judgment, and such as they thought necessary to be established, he commanded to be called *Statutes* <sup>u</sup>.

With all these Grants of Men and Money, designed for the entire Conquest of *Scotland*, this ill-fated Prince did nothing; for though a gallant Army was raised, and met, by Appointment, at *Newcastle*, yet, when he entered *Scotland* with them, he found no Enemy to oppose him. The *Scots* were all retired to their Strong-holds; and the King, distressed for Want of Provisions, which had been neglected, was obliged to return back to *England* *Re infecta*. Neither was this all the Evil he sustained; for the *Scots*, watching his Retreat with a Party of Light Horse, had very near taken him at Dinner, in a Monastery called *Byland-Abbey*, about sixteen Miles North of *York*; the Earl of *Richmond*, who was with the King, being made Prisoner, himself narrowly escaping to the City. But the other Transactions, relative

N 2

to

<sup>u</sup> Pat. 15 *Edward II.* p. 2, m. 15 et m. 5. d. *Knygton*; *M. West.* Cont.

Some Account of this Parliament at *York* is entered on the Rolls of Parliament; but it contains no more than a bare Recital of their Meeting, and a Confirmation of Charters, &c. made in his Father's Time.

There is a Statute extant, said to be made at *Carlisle*, 15 *Edward II.* but we find no other Account of it,

K. Edward II. to this unfortunate Expedition, we leave to larger Historians to discuss, and return to our Parliamentary Chronicle.

[ 178 ]

About this Time the King of *France* had summoned his Brother of *England*, by two Ambassadors, to come over to him and do Homage for the Territories which the latter held in that Kingdom. His two Ministers, the *Despensers*, dissuaded *Edward* from going in Person; and, after the Time prefixed was elapsed, the *French* King seized upon all *Guienne* and *Gascoigny*, as forfeited to him by *Edward's* Non-Appearance.

Anno Regni 16.

1324.

At London.

But, before that could happen, the King thought proper to take the Sense of his Parliament about this Embassy; and one was accordingly summoned to meet at *London*, the Beginning of *Lent*, in the Year 1324. They were called together to treat of divers public Affairs, but particularly what Answer was to be given to the Embassy concerning the King's going over to do Homage. The Lords and others were unanimous in their Opinions, 'That the King should not go in Person, 'but should send certain Ambassadors on purpose to excuse his coming over at all, or at least to delay it for 'a Time.' Accordingly two Persons of great Distinction, the Earl of *Kent*, Brother to the King, and the Archbishop of *Dublin*, were then nominated for that Employ.

At this Parliament, also, the King demanded a pecuniary Aid from the Clergy and Laity, to discharge the Ransom of *John* Earl of *Richmond*, who had been taken Prisoner by the *Scots*, at the Battle of *Byland*, in *Yorkshire*. But this Proposal was refused by the Barons, for this Reason, 'That no such Tax ought to be raised, 'but only for the Ransom of the King, Queen, and 'their eldest Son, if they should happen at any Time 'to be taken Prisoners.' And so that Demand fell.

In this Parliament *Adam de Orleton*, Bishop of *Hereford*, was arrested of High Treason; to the great Scandal and Prejudice of the Clergy, says the Canon of *Leicester*,

[ 179 ]

*Adam de Orleton*, and was examined before the King and Lords, on divers Articles. It was laid to his Charge, 'That he had 'entertained certain of the King's Enemies, had appeared in the Field with them, had furnish'd them with

'Arms,

Arms, and had given them his Assistance, Favour, and K. Edward II.  
 Advice <sup>x</sup>. The Bishop, being a shrewd and learned Man <sup>y</sup>, said little at first to this Accusation; but, being further urged, he answered, ‘ My Lord the King, saving all due Reverence to your Majesty, I being an humble Minister of God’s Church, and a consecrated Bishop, tho’ unworthy, ought not to answer such high Matters, without the Licence and Authority of my Lord the Archbishop of *Canterbury*, who, next to the Pope, is my proper Judge; as also with the Consent of the rest of my Fellow-Bishops.’ The Archbishop of *Canterbury* with his Suffragans, rising up, implored the King’s Mercy for him; and he was deliver’d to the Custody of the Archbishop ’till the King should resolve when to summon him again, to answer to what might be farther laid to his Charge. Soon after the King summoned him again to answer in his Court of Justice, [now the King’s Bench] which the Archbishops, &c. hearing of, they came in great Form, with their Crosses, and took him away from the Bar, threatening to excommunicate all that withstood them. Upon which *Edward* caused a Bill of Indictment <sup>z</sup> to be preferred against him to the Grand Jury of *Herefordshire*, which being found, the King immediately seized on all his Temporal Possessions: And if he had taken his Life too, in all Probability he would have saved his own; for to this very Man was owing all the Misfortunes that befell the King afterwards, even to his Murder; the scandalous and ambiguous *Latin* Sentence <sup>a</sup> he sent to his Executioners, being said to be the Cause of it.

In this Parliament, also, all the Manors and Possessions of the Knights *Templars* were, by the common Consent of both Clergy and Laity, granted to the Knights *Hospitalers* of St. *John of Jerusalem* for ever, as appears by the Statute at large, made for that Purpose, under

[ 180 ]

N 3 this

<sup>x</sup> He had supported the *Mortimers* in their Rising in *Wales*. *Speed’s Chron.*

<sup>y</sup> Says *Tyrrel*. But Sir *Thomas de la More*, who knew the Man, says he was wise, subtle, and learned; but, otherwise, wilful, presumptuous, and extreme factious; and that at first he disdained to make any Answer at all, &c.

<sup>z</sup> An Inquest to be impanelled. *De la More.*

<sup>a</sup> *Edwardum occidere nolite timere bonum est.*



K. Edward II. this Title, *Statutum de Terris Templariorum*<sup>b</sup>. And this is all we can find to be done in this Parliament, no Entry being made on the Rolls about it.

But now, as if Fortune was never tired in persecuting this Prince, she strove to wound him in a more sensible Part than ever she had done before, by raising up some domestic Enemies against him in the Persons of his Queen and Son. The Queen had found Means, under Pretence of settling some Differences, to get the King's Leave to go into *France*, as also to take her only Son the Prince with her. She staid so long that the King began to be very uneasy at her Absence, and wrote several Letters to her to return, to which she always gave evasive Answers. At last, being much solicited, she said it was the Fear she was in from the younger *Despenser* that occasioned her Delay. And whatever Letters and Mediators the King made use of to prevail on her to come to him, or to send the Prince his Son, they were all to no Purpose.

The King's domestic Affairs become desperate

This Lady had formed a Scheme of a very scandalous and dangerous Nature, and she deferred coming over till she could put it in Execution. The discontented Barons, who still hated the *Despensers*, had, by Means of *Adam Bishop of Hereford*, gained her to their Interest; and *Roger Mortimer*, her Favourite, having escaped out of the Tower into *France*, she had the less Occasion for her Husband's Company. In short, she found Means to raise an Army of two or three thousand Men, with whom she transported herself and her Son, and landed at *Harwich*; where she was immediately joined by the Earl *Mareschal*, the Earl of *Leicester*, and other Barons and Knights who had been Rebels to the King; and, to give the greater Sanction to her Cause, with no less than four Bishops and all their Attendance.

[ 181 ] It is certain the Church had a great Hand in this Revolution; for except one loyal Bishop, *Walter Stapleton*, Bishop of *Exeter*, we do not find another of the whole Bench untainted with the Times. This Prelate was murdered

<sup>b</sup> There is a Statute extant, called *The Statute of Extracts*, made this Parliament. See *Statutes at large*, 16 Edward II. But the *Templars'* Statute is put down in the Year following.

There is some Account of a Parliament entered on the Rolls, said to be held at *Westminster* on the Octaves of *St. Martin*, *Anno Regni* 19; but very little is said on it,

murdered by the Mob in *London*; for which the City, *K. Edward II.* fearing Ecclesiastical Censure, forced the Archbishops of *Canterbury, York, and Dublin*, with the other Bishops that came to the next Parliament, to go to *Guilaball*, when they all swore to defend the Rights and Liberties of the City. *In Presentia Comitum Cantuar, et Multitudinis immensæ, qui ad videndum Fatuitatem Episcoporum, quo Modo Mahometo sacrificabant, confluerunt*<sup>c</sup>.

The King's Affairs were now in a miserable Way: He made some Struggles, 'tis true, to withstand this Tempest, but all too weak, and he soon found himself overborne by it. The two *Despensers* were taken and executed, without either Hearing or Trial<sup>d</sup>, and the King himself made a Prisoner in *Kenelworth Castle*. And he is made a Prisoner.

As our Design is intirely to pursue this History in a Parliamentary Way only, we must refer our Readers again to the more general Historians of those Times for the Particulars of the Facts above. But, no sooner was the Queen secure in her new-got Possession, when she thought fit to establish it by a Sanction of that Nature. A Writ was issued out for proroguing a Parliament which was to meet on the 15th of *December*, as summoned by the King, (*Teste Rege apud Lidbury*) but this Writ is not on Record; and it is more likely that it was a trumped-up Writ for Form Sake, and to ground their Prorogation upon; for both *Tyrrel* and *Brady* agree in this, that the unfortunate King could know nothing of the sealing this Writ, since he had sent his Great Seal to the Queen and Prince some Time before. The Tenor of the Queen's Writ for that Parliament was, 'To be holden by *Isabel*, Queen Consort of *England*, and *Edward*, the King's eldest Son, Guardian of *England*, he being then out of the Land; to be holden by the King, if personally present; or, in his Absence, by the said Consort and Son, &c.' Here now is the Policy; they make the King call a Parliament, and at the same Time declare he was out of the Kingdom, which they imagined might be true, for he was not then in their Hands. The Writ of Prorogation itself, which evidences this extraordinary Affair, *Dr. Brady* has printed.

Mr.

[ 182 ]

<sup>c</sup> *Wharton's Hist. Sacra*. Vol. I. p. 367.

<sup>d</sup> The Son had a Sort of a Trial before Judge *Trussel*, tho' he was not allowed to plead, but only to hear his Accusation, which was very long.—*Knygkton*, col. 2547.

**K. Edward II.** Mr. Tyrrel says it is very uncertain where these Writs were sealed; though the Matter is not much, adds he, since there is no Averment against the Record<sup>e</sup>.

**Anno Regni 20. 1327.** But, by what Authority soever called, this Parliament met at the Time appointed, viz. Jan. 7, 1327, at *Westminster*.

**At Westminster.** The first Thing that was moved there was by the aforesaid *Adam de Orleton*, Bishop of *Hereford*, who

**The Parliament resolve to depose him.** put this memorable Question, *Whether King Edward the Father, or his Son Edward, should reign over them?*

He was seconded by several other Bishops, and it was not long before they all agreed the Son should have the Government of the Kingdom, and be crowned King, for the Reasons following:

**Their Reasons.** I. ' That the Person of the King was not sufficient to govern; for in all his Time he was led and governed by others, who gave him evil Counsel, to the Dishonour of himself, and Destruction of Holy Church and all his People, not considering or knowing whether it was good or evil; nor would remedy these Things, when he was requested by the Great and Wise Men of his Realm, or suffer them to be amended.

[ 183 ] II. ' That in all his Time he would not give himself to good Counsel, nor take it, nor to the good Government of his Kingdom; but always gave himself to Works and Employments not convenient, neglecting the Business of his Realm.

III. ' That, for want of good Government, he lost the Kingdom of *Scotland*, and other Lands and Dominions in *Gascoigny* and *Ireland*, which his Father left him in Peace and Amity with the King of *France*, and many other great Persons.

IV. ' That, by his Pride and Cruelty, he destroyed Holy Church, and the Persons of Holy Church, putting

<sup>e</sup> See the Writ in *Brady's Appendix*, No. 70; and in *Ryley's Plac. Parl. App.* p. 582: But there is no Mention of this Parliament on the Rolls.

There is a Writ in the *Public Acts*, directed to the Constable of *Dover* Castle, to take and salt 60 Does out of the Park of the Manor of *Braburn*, in order to be sent up to *Westminster*, ' *Receptori Instauri nostri ibidem liberandas*,' against the Meeting of the Parliament.—*Teste Rege apud Kenelworth decimo quarto Die Decembris.*—*Fæd. Ang.* Tom. IV. p. 240.

Another Writ is extant, in the same Collection, to *Richard Dameroy*, Justice of *North-Wales*, to send up 24 Members, *tam Anglicos quam Walenses*, to the present Parliament. Dated at *Kenelworth*, Jan. 11, when the King was a Prisoner in that Castle; which is the last Act of State but one, dated the 12th, which was in this King's Name. *Idem*, p. 242.

‘ting some in Prison, and others in Distress; and also K. Edward II.  
‘put to shameful Death, and imprisoned, banished, and  
‘disherited, many Great and Noble Men of the Land.

V. ‘That whereas he was bound, by his Oath, to do  
‘Right to all, he would not do it, thro’ his own Lucre  
‘and the Covetousness of him and his evil Counsellors  
‘which were with him; neither regarded the other  
‘Points of the Oath which he made at his Coronation,  
‘as he was obliged.

VI. ‘That he abandoned his Realm, and did as much  
‘as he could to destroy it and his People; and, what is  
‘worse, by his Cruelty and the Default of his Person,  
‘he was found incorrigible, without Hopes of Amend-  
‘ment.

‘And that all these Things were notorious beyond  
‘Contradiction.’

These Articles are said to have been dictated by *John de Stratford*, Bishop of *Winchester*, Treasurer of *England*. They were written by his Secretary, and a Public Notary having put to them his Probat, they were, by common Consent of Parliament, sent to the King, then a Prisoner at *Kenelworth* Castle. The Committee chosen for that Purpose were the aforesaid Bishop, with *Adam de Orleton*, Bishop of *Hereford*, and *Henry Burwash*, Bishop of *Lincoln*; together with two Earls, four Barons<sup>s</sup>, and three Knights of every County; as also some of the Citizens and Burgeses for *London*, the *Cinque-Ports*, and other Cities and Towns in *England*. These Commissioners had a Power given them ‘to resign their  
‘Homage and Fealty to the King, in the Name of all  
‘the rest, to give him Notice of the Election of his Son,  
‘and to procure his voluntary Resignation of his Crown;  
‘or, if he refused, to give up their Homages, and proceed as they thought fit.’ The Reason of this mild Proceeding, says *Walsingham*, was because the Queen felt a Qualm of Conscience about the Deposition of her Husband; and the young Prince, affected with this seeming Concern of his Mother<sup>h</sup>, declared he would not accept the Title against his Father’s Will; therefore

A Committee appointed to go to the King, and demand his Resignation of the Crown;

[ 184 ]

<sup>s</sup> The Titles and Names were the Earls of *Leicester* and *Warren*, *Roger Grey* and *Hugh Courtney*, Barons; *Sir Geoffrey Scrope* and *John de Sanctour*, Justices; to whom were added the Abbots of *Glasenbury* and *Dorchester*. *Stowe’s Chron.*

<sup>h</sup> *Ut foris apparuit.* *Walsingham.*



K. Edward II. fore the King's absolute Resignation was thought necessary for their better Satisfaction.

Another Author<sup>1</sup>, and Contemporary with this Revolution, hath told us by what Means this Resignation was obtained. He writes, that the Bishops of *Winchester* and *Lincoln* came before the rest to the King to smoothe the Way; and that these Prelates, along with the then Earl of *Lancaster*, his Keeper, perswaded his Majesty to resign his Crown to his Son, 'promising him as much Honour  
' after his Resignation as before; and, on the other  
' Hand, threatening him that, if he would not, the  
' People would yield up their Homage and Fealty, pass  
' by his Son's Right, and chuse a King out of the Royal  
' Line.' Mr. *Tyrrel* supposes these Arguments not very probable to come from the Earl of *Lancaster*, who was himself Heir to the Crown on Failure of *Edward's* Issue. But, be that as it will, they promised him Safety as to his Person, with a large and handsome Allowance as to the Support of his Dignity. All these Arguments we may suppose had Weight enough in them to move the King to comply, and to make his Resignation accordingly: The Manner and Form of which, says *Tyrrel*, being very grave and solemn, and, we may add, of the utmost Consequence to the Nation, since it is the first Instance in *English* History of this Kind, we think proper to give from the fore-cited Author, along with *Walsingham*, who lived in the next Century, as the best Authorities to direct us<sup>k</sup>.

After

<sup>1</sup> Sir Thomas de la More.

<sup>k</sup> The Manner of the two Bishops addressing the King on this extraordinary Occasion, is very politely drawn up by *Pere D'Orleans*, in his History of the Revolutions of *England*, in these Words: *Les Evêques de Lincoln et de Winchester prirent les devants pour rompre la Glace. Ils le firent avec assez d'Adresse. Après luy avoir insinué le Sujet de leur Deputation, ils commencerent par l'assurer qu'en luy conserveroit les Titres et les Honneurs de la Royauté. Puis tournant la Chose du costé de Dieu, et faisant les Predicateurs, ils luy representèrent de quel Merite il luy seroit pour l'autre Vie, d'avoir sacrifié au Repos public une Couronne que ses Années, qui s'avançoient insensiblement, l'avertissoient, qu'il falloit quitter. Enfin venant au Point essentiel, ils luy firent Valoir la Grace que luy faisoit le Parlement, de conserver, malgré les Sujets qu'on avoit de se plaindre de luy, la Royauté dans sa Maison, et de permettre que son Sang regnast dans la Personne de son Fils. Ils conclurent par luy faire entendre, que s'il ne prenoit ce Parti, il auroit le chagrin de voir une nouvelle Famille, et un Roy deu chasser les Plantagenettes du Trône qu'ils occupoient depuis si long temps; qu'il estoit responsable de la Couronne d'Angleterre a ses Ayeux et a ses Descendans, et qu'il ne tenoit qu'à luy de conserver a une Postérité plus heureuse cette belle Possession de ses Peres.*

After this Deputation from the Grand Committee K. Edward II,  
 had softned and brought the King to their own Temper,  
 the whole Body of them was introduced. The King  
 came out of his Bed-Chamber, in a Morning-Gown, to  
 meet them; but no sooner had he heard their Message, Which he resigns  
 accordingly.  
 and the Articles against him, than he swooned away,  
 and had fallen to the Ground, had he not been supported  
 by the Earl of *Lancaster* and the Bishop of *Winchester*.  
 However, coming to himself, he answered, with Tears in  
 his Eyes, *That he was very sorry he had so misbehaved*  
*himself towards his People, and asked Pardon for it of all*  
*that were present; but, seeing now it could not be other-*  
*wise, he returned them Thanks for chusing his first-born*  
*Son in his Room.* He then made his Resignation, by de-  
 livering up his Royal Ensigns of Sovereignty, the Crown  
 and Scepter, which the Commissioners had taken Care  
 to bring for that Purpose; after which, one Sir *William*  
*Trussel*, supplying the Place of Chief Justice of *England*,  
 and chosen as Procurator, was ordered, by the whole  
 Committee, to pronounce their Resignation of Homage  
 to the King, which he did in this Form:

‘ I *William Trussel*, Procurator of the Prelates, Earls, Hereupon the  
 Parliament re-  
 nounce their Ho-  
 mage and Fealty,  
 ‘ and Barons, and other People in my Procuracy named,  
 ‘ having for this full and sufficient Power, do surrender  
 ‘ and deliver up, to you *Edward* King of *England*, be-  
 ‘ fore this Time, the Homage and Fealty of the Persons  
 ‘ in my Procuracy named, in the Name of them, and  
 ‘ every of them, for certain Causes therein mentioned; [ 186 ]  
 ‘ and do return them up to you *Edward*, and acquit or  
 ‘ discharge the Persons aforesaid, in the best Manner that  
 ‘ the Law and Custom can give it; and do make this  
 ‘ Protestation in the Name of all those that will not for  
 ‘ the future be in your Fealty, or Allegiance, nor claim to  
 ‘ hold any Thing of you, as King; but account you as a  
 ‘ private Person, without any Manner of Royal Dignity.’

The Ceremony ended with Sir *Thomas Blunt*’s, the  
 High Steward, breaking his Staff, declaring all the  
 King’s Officers discharged from his Service, in the same  
 Manner as if the King was actually dead.

The Commissioners returning to Parliament with the And chuse his  
 Son *Edward* in  
 his Stead.  
 King’s Answer and the Royal Ensigns, made the com-  
 mon People a rejoice; and presently the whole Com-  
 munity

<sup>a</sup> Dr. *Brady* has translated the Latin Word *Plebs* into *Rabble*, for which  
 he is girded at by Mr. *Tyrrel*.

**K. Edward II.** munity of the Kingdom admitted *Edward*, a Youth of fourteen Years of Age, to be their King.

After this the Archbishop of *Canterbury* preached a Sermon before the whole Assembly; his Text was *Vox Populi Vox Dei*; exhorting his Audience to pray for the King whom they had chosen. Thus, says an Author, the Lawyers found out a legal Method to deprive their King of Sovereignty; and the Divines consecrated their mighty Power in calling their Voice a *Divine Election*<sup>d</sup>.

All this was done whilst the sham Parliament was still sitting, on the 20th of *January*, 1327, and which is call'd the first Day of *Edward* the Third's Reign; for from that Time he acted as King, as appears by the Writ to all the Sheriffs of *England* to proclaim his Peace, dated two Days before his Coronation. Which act of State, as it is singular in its Kind, and tho' not Parliamentary, yet deducing his Title from that Authority, we shall give in *Dr. Brady's* Translation as follows<sup>e</sup>.

The King to the Sheriff of *Yorkshire*, Greeting:

[ 187 ]

**B**Ecause *Edward*, late King of England, our Father, by Common Council and Assent of the Prelates, Earls, Barons, and other Great Men, and also of the Communities of the said Kingdom, of his own free Will removed himself from the Government of the said Kingdom, willing and granting, That we, as his First-born and Heir of the Kingdom, should take upon us the Rule and Government: And we yielding to the good Pleasure of our Father, by the Counsel and Advisement of the Prelates, Earls, Barons, Great Men, and Communities aforesaid, have taken upon us the Government of the said Kingdom, and received the Homages and Fealties of the said Prelates and Great Men according to Custom; therefore, desiring our Peace for the Quiet and Tranquillity of our People to be inviolably observed, we command, That, presently after Sight of these Presents, you cause our Peace publicly to be proclaimed through your whole Bailiwick, forbidding all and singular, under the Pain of disinheriting, and losing Life and Member, that they presume not to infringe or violate our Peace; but that all Men do prosecute their Suits and Actions with-

out

<sup>d</sup> Historical Observations on the Reigns of *Ed. I. Ed. II. and Rich. II.* By a Person of Honour. London, 1689, 8vo.

<sup>e</sup> From *Claus. 1. Ed. III. p. 1. m. 28.* In *Append. No. 74.*

out Violence, according to the Laws and Customs of the K. Edward II. Land, &c. Witness the King at Westminster the 29th of January.

We shall conclude this Monarch's unfortunate Reign, and most miserable End, in Dr. Brady's own Words.

‘ The King was all this Time Prisoner in *Kenelworth* Castle, not knowing what further they were doing. The Nation observing what had been done, seeing the Queen engaged, and the Prince carried along with them, not then perhaps suspecting the Designs of the Heads, began to be sensible of the King's Condition, and to consider the Pretences of his Enemies, and to think how they might be kind to him, and prevent further Mischiefs. His Keeper also, the Earl of *Lancaster*, began to be every way obliging to him, much pitying and commiserating his deplorable Case. Many Lords and others began to think how they might deliver him out of Captivity; the Notice or rather Suspicion whereof much startled *Mortimer*, the Bishop of *Hereford*, the Queen, and chief Actors in this Tragedy, reflecting upon what they had done, and fearing if the King should get his Liberty they could not be safe, or at least their Designs must come to nothing, which caused them to think of removing him from *Kenelworth*, and appointed him new Keepers, who were *Thomas Gournay* and *John Maltravers*, Knights; these receiving him at *Kenelworth* Castle by principal Authority<sup>e</sup>, hurried him up and down the Nation, that it might not be known where he was; and at last brought him to *Berkley* Castle in *Gloucestershire*, where he was inhumanly treated by his Keepers, who attempted to destroy him by all Ways of horrid Indignities, brutish Usages, and before-uncontrived and unthought-of Assaults: But having been frustrated in their Intentions, by his natural Strength of Body and Fortitude of Mind, on the 22d of *September*, at Night in his Bed, they stifled and smothered him, with large and heavy Bolsters and Pillows, and put up a red-hot Iron, through a *Ductil-Pipe*, into his Guts at his Fundament; and in this most cruel Manner murdered him, that no

[ 188 ]

The Murder of Edward the Second.

‘ Wound

<sup>e</sup> *Autoritate principali*, Sir Thomas de la More phraseth it.



K. Edward II. 'Wound, or Mark of a violent Death, might be found  
'upon him.'

TAXES in this King's Reign.

Taxes during his  
Reign.

[ 189 ]

IN his first Year the Earls, Barons, Knights, and all others of the Kingdom, granted a twentieth Part of their Moveables, except their Armour, War-Horses, Jewels, Robes, and Vessels of Gold and Silver, of Knights and other Freemen, and of their Wives. And the Citizens, Burgeses, and Tenants of the antient Demesnes of the Crown, granted a fifteenth Part of their Moveables; as also did the Clergy <sup>g</sup>.

In his second Year the Laity granted a Twenty-fifth of their Moveables <sup>h</sup>.

In his seventh Year the Earls, Barons, Knights, Freemen, and Commons <sup>i</sup> of Counties, gave a twentieth Part of their Goods; and the Citizens and Burgeses, and Communities of Cities and Boroughs, gave a Fifteenth <sup>k</sup>.

In his eighth Year he had a twentieth Part of the Moveables of the Laity, granted by the Commons of the Counties of the Kingdom <sup>l</sup> assembled in Parliament <sup>m</sup>.

In his ninth Year he had granted a fifteenth Part, of the Citizens, Burgeses, and Tenants in antient Demesnes, for his War with the Scots, in the Parliament held at *Lincoln*; the same Year the Community of the Kingdom, or the Military Men, were then also summoned to do their Service <sup>n</sup>.

In his fifteenth Year the Prelates and Clergy of both Provinces met in two Synods, or Convocations, the one at *Lincoln*, the other at *York*; the former of which the Archbishop of *Canterbury* was immediately to summon, to treat of a competent Aid to be granted to him towards his Expedition against the Scots, who had then invaded *England*: In which Writs, as it were for a Direction, he

<sup>g</sup> *Inter Rot. Comput. in Custod. Cler. Pipæ, Tempore, Ed. II.*  
*Claus. 1. Ed. II. m. 12. intus.*

<sup>h</sup> *Rot. claus. 2. Ed. II. m. 23. in feed.*

<sup>i</sup> *Communitates.*

<sup>k</sup> *In Rot. Comput. ut supra.*

<sup>l</sup> *Communitates Comitatum Regni.*

<sup>m</sup> *Rot. Pat. 8 Ed. II. m. 12. dors. p. 26*

<sup>n</sup> *Rot. Parl. 9 Ed. II. m. 2.*

he recites that the Prelates, Earls, Barons, Noblemen, *K. Edward II.* and the Commons granted him a tenth Part of the Goods of the Community or Body of the Kingdom, and a sixth Part of the Goods of Citizens, Burgesſes, and Tenants of antient Demefnes.

Mr. *Tyrrel* obſerves, ‘ That in this King’s Reign we find few or no Complaints of any Taxes impoſed by Colour of his Prerogative, contrary to Law, notwithstanding the exorbitant Power of the two *Deſpensers* : But this might be owing to their Policy, who, having made themſelves ſo obnoxious to the Nobility, would do what they could to make the common People their Friends. But towards the latter End of his Reign, the Confiſcation of the Eſtates of the Earl of *Lancaſter*, and the reſt of the Barons attainted, were ſo conſiderable, that though he gave away a great deal of Lands to the *Deſpensers* and their Adherents, yet that which ſtill remained in the Crown made him to have a greater Revenue than any of his Predeceſſors ſince King *Henry the Second’s* Time.’

[ 190 ]

*Price of PROVISIONS in the Reign of EDWARD II.*

In the Year 1309<sup>o</sup>, Wheat ſold for 7*s.* 2*d.* a Quarter; and Malt for 6*s.* Wine at about 43*s.* 7*d.* a Ton. Oats 4*s.* a Quarter. A Hog about 3*s.* 2*d.* A Mutton about 3*s.* A Goose about 3½*d.* A Fowl about 3*d.* A Pig 6*d.* A Shield of Brawn 4*s.* But theſe, being for a Prior’s Feaſt, ſeem to be charged high.

In 1314<sup>p</sup>, a Corn-fed Ox for 1*l.* 4*s.* and a Graſs-fed Ox for 16*s.* A fat Mutton for 1*s.* 8*d.* And four Pigeons for 1*d.*

In 1315<sup>q</sup>, Wheat ſold for 20*s.* a Quarter; Malt 13*s.* 4*d.* and Salt for 1*l.* 15*s.*

In 1316<sup>r</sup>, Wheat ſold for 1*l.* 12*s.* the Quarter.

In 1317<sup>s</sup>, Wheat ſold at *Leiceſter* for 2*l.* 4*s.* a Quarter, being exceſſive ſcarce; and in the ſame Year ſell to 14*s.*

But

o *Gul. Thorne* inter Decem Scriptores, p. 2010.

p *Stowe’s Chronicle.*

q *Walsingham.*

r *Fabian’s Chronicle.*

s *Knyghton Can. Leiceſt.*

K. Edward II. But all these Particulars may be found, drawn out with the utmost Exactness, in Bishop Fleetwood's *Chronicon Pretiosum*†.

K. Edward III. [ 191 ] FROM the Deposition of Edward the Second we must date the Beginning of the Reign of Edward the Third; for, pursuant to the Proclamation which had been made of his Election to the Crown, his Coronation was performed with great Ceremony, on the first of February, 1327; the Parliament which had deposed his Father still sitting.

Twelve Guardians appointed for the young King.

The young King being then but fourteen Years of Age, his Hands were thought too weak to manage the Reins of Government: Accordingly the Parliament assigned him twelve Guardians, viz. five Bishops, two Earls, and five Barons. Their Names were, *Walter Reginald*, Archbishop of *Canterbury*; *William de Melton*, Archbishop of *York*; *John Stratford*, Bishop of *Winchester*; *Thomas Cobham*, Bishop of *Worcester*; and *Adam de Orleton*, Bishop of *Hereford*; the two Earls were *Thomas de Brotherton*, Earl *Mareschal*, and *Edmund of Woodstock*, Earl of *Kent*, both the King's Uncles; the Barons were *John Lord Warren*, *Thomas Lord Wake*, *Henry Lord Percy*, *Oliver Lord Ingham*, and *John Lord Roos*. Over all these, by general Consent of the Parliament and of the twelve Guardians themselves, *Henry Earl of Lancaster*, *Lincoln*, *Leicester*, and *Derby*, the King's Cousin, was deputed to have the chief Care of his Person<sup>u</sup>. But this was all a fine Shew only; for *Roger Mortimer*, the Queen's Favourite, moved the whole

† This King, in his Confinement, is said to have wrote some Latin Verses on his Misfortunes, which shew that he was a Scholar: A great Rarity in any Layman at that Time! Two Cardinals came from *Rome* in the Midst of these Civil Wars, and brought Letters from the Pope to the Barons, to persuade them to be reconciled to their King; but they excused themselves from hearing or seeing them, by saying that *They were unlearned and brought up to nothing but the Sword*. *Fabian* had seen the King's Verses, and has given us a Specimen of them; by which it appears that a Monk was his Schoolmaster.

*Damnum mihi contulit Tempore brumali,  
Fortuna satis aspera vehementis Mali,  
Nullus est tam sapiens, mitis, aut formosus,  
Tam prudens Virtutibus, ceterisque famosus,  
Quin stultus reputabitur, et satis despectus,  
Si Fortuna prosperos avertat Effectus.*

*Fabian's Chron.*

u *Joshua Barnes's Hist. of Edw. III. p. 4. Tyrrel, p. 338.*

whole Machine at that Time, whatsoever Parts these R. Edward III. Puppets were appointed to play in it.

On the third of *February*, two Days after the Coronation, a Petition was presented to the King and Parliament, from all those that had been anywise concerned in the Quarrel of *Thomas Earl of Lancaster*<sup>b</sup>, ‘praying ‘to be restored to their Estates, with Profits of them ‘from the Time they had been wrongfully disseized.’ It was unanimously agreed, by the Assent of the whole Parliament, ‘That all Lands and Tenements which ‘had been seized, by reason of the said Quarrel or Contention, should be restored, as well in *Ireland* and ‘*Wales* as *England*, together with their Profits and Arrears of Rent, except those that had been received to ‘the King’s Use.’ And this Quarrel was affirmed to be just by the whole Body assembled.

[ 192 ]

On the same Day all those that came over with the Queen and the Prince her Son, and those that joined with them after their Arrival, were also pardoned and indemnified by Parliament. The Preamble to this Pardon is very long and remarkable; containing all the Causes and Reasons of the late Revolution, according to *Tyrrel*; or the Cover, Pretences, and Suggestions, of all the Contrivances and Designs against *Edward II.* as *Dr. Brady* terms it; but since it is printed in all our Statute Books, we shall only give the Reader *Mr. Tyrrel’s* Abstract of it, and refer the more curious to the Statute itself<sup>c</sup>.

The Adherents of the late Earl of Lancaster pardoned, and their Estates restored by Act of Parliament.

‘It *first* recites the Banishment of the two *le Despensers*, Father and Son, by Act of Parliament: *Secondly*, Their Return without the Consent of the Community of the Realm: *Thirdly*, Their causing the King to pursue *Thomas Earl of Lancaster*, and other Barons and Commons that endeavoured to oppose it; in which Pursuit the said Earl, and divers other Great Men and People of the Realm, were put to Death and disinherited, and others imprisoned, outlawed, or

VOL. I. O banished.

<sup>b</sup> The Record of this Petition, in old *French*, is entered on the *Rolls*, and is also in the *Public Acts*; the Preamble to it is as follows: *Fait a Remember qe, le tierce Joar de Fevrier l’An du Regne le Roi Edward, Fitz au Roi Edward, Fitz au Roi Henri primer, furent monstrez en Parlement, adonques tenu a Westmonstier, ascun Peticions, par les Cheivalers, et la Communes, de la Querele de Count de Lancastre en la Forme que ensuit, &c.*—*Fæd. Ang. Tom. IV. p. 295.*

<sup>c</sup> See *Statutes at large, Anno Reg. 1 Edw. III.*



K. Edward III. banished. *Fourthly*, That, after these Mischiefs, Robert Baldock and Edmund Earl of Arundel usurp'd to themselves Royal Power, so that the King could do nothing but as they counselled him, were it never so wrong. *Fifthly*, That, after the Queen's going into France, by the King's Will, and Common Council of the Realm, the Persons above-mentioned excited the late King against his Son Edward and the Queen his Consort, so that they remained in a Manner exil'd from the said King Edward and the Realm of England; wherefore it was necessary for our Sovereign Lord the King that now is, and the Queen his Mother, being in so great Jeopardy of themselves in a strange Country, seeing the Destructions, Oppressions, and Disfranchisements, which were notoriously committed in the Realm of England, upon Holy Church, the Prelates, Earls, Barons, &c. and other Great Men, and the Community, by the said Persons above-mentioned, by engrossing Royal Power to themselves, to take as good Counsel as they might; and since they could not remedy the same unless they came into England with an Army of Men of War, and had, by the Grace of God, with that Puissance, and the Help of the Great Men and the Commons of the Realm, vanquished and destroyed the said Parties above-mentioned, &c.' Then follows the enacting Part, viz. 'That therefore our Sovereign Lord the King that now is, upon certain Petitions and Requests made to him in this Parliament, upon such Articles as are there above rehearsed, by the Common Council of the Prelates, Earls, Barons, and other Great Men, and by the Commonalty of the Realm there present, by his Commandment hath provided, ordained, and established, in Manner following:

'That no Great Man, nor other, of what Estate, Dignity, or Condition he be, that came over with the said King that now is, and with the Queen his Mother, into the Realm of England, nor any other then dwelling in England, that came with the said King that now is, and the Queen in Aid of them, to pursue their said Enemies, in which Pursuit the King his Father was taken, and put in Ward, and yet remaineth in Ward, shall be impeached, molested, or grieved in Person, or in Goods, in the King's Court, or any other Court,

Court, for the Pursuit of the said King, the taking K. Edward III. and with-holding of his Body, or Pursuit of any other, or taking of their Persons, Goods, or Death of any Man, or any other Thing perpetrated or committed in the said Pursuit, from the Day that the said King and Queen did arrive, 'till the Day of the Coronation of the same King.

It appears by the Collection of *Public Acts*, that this Parliament continued sitting for above a Month after the King's Coronation; in which Time many Acts of State were passed relating to different Countries and Affairs, for the greater Security of the present Possessors. As also several Grants of Money, &c. bestowed on the Queen and her Accomplices; besides Pardons and Indemnifications to a vast Number of People, by Name, who had been concerned in the late Commotions, under the Earl of *Lancaster* and the other Barons. The Titles of the most significant of which the Reader will find under this Note <sup>d</sup>.

[ 194 ]

The Parliament being at last dissolved, Commissioners were sent to the Borders of *Scotland* to treat of a Peace, but the *Scots* refused to treat with them; not only so, but they broke the Truce which had been made with King *Edward II.* and, raising an Army, invaded *England*. The young King and his Mother made ready to oppose them, and, with the mercenary Soldiers that came over with her, they marched against them. The *Scots* were so regardless of the *English* at that Time, that they suffered themselves to be inclosed, by their Enemies, in a

O 2 Place

<sup>d</sup> *De Temporalibus, ad Procuracionem Hugonis le Despenser junioris, olim detentis, Episcopo Norwicensi jam denuo restituendis. Fœd. Ang. Tom. IV. p. 248.*

*De Expensis Reginæ in Partibus Franciæ, p. 249.*

*Pro illis, qui fuerunt de Querela Comitiss Lancastriæ, super Finibus, de Assensu Parliamenti, relaxandis, p. 256.*

*De Processu versus Episcopum Herefordensem, Adam de Orleton, quod Thomæ Comitiss Lancastriæ adhæsit, habito, adnullando, & Terris, propterea in Manum Regis captis, restituendis, p. 257.*

*Adhuc pro illis, qui fuerunt de Querela nuper Comitiss Lancastriæ de Restitutione pariter facienda, Literæ ad Vicecomites complurium Comitatum, p. 258, 259, 260, 261.*

*Pro Isabella Regina ad Debita solvenda. A Grant of 20,000 l. p. 262.*

*Ad Custodes quarundam Terrarum, pro Margareta, quæ fuit Uxor Bartholomæi de Badelesmere, & aliis de Querela antedicta. Eadem.*

*Ad Thesaurariam, de Pænis, & ceteris Redemtionibus, illis de supradicta Querela relaxandis, p. 264.*

*Ad Papam, pro Canonizatione Thomæ nuper Comitiss Lancastriæ. Litera admiranda, p. 268.*

**K. Edward III.** Place called *Stanhope-Park*, in the Bishoprick of *Durham*; and might have every Man of them been destroyed or taken, but they found Means to escape in the Night-Time, and get safe back into their own Country. Therefore it was thought proper to call a Parliament to consult about the Security of the Kingdom, and other Matters, which was to meet, *September 15*, at *Lincoln*. The Writ, in which most of the Relation above is contained, bears Date at *Stanhope*, *August 7*, in the first Year of his Reign <sup>e</sup>. But tho' this Parliament met at the Time appointed, yet we cannot find what was done at it; certainly nothing considerable, since our Historians and Records are so silent about it.

Anno Regni 1.  
1327.

At *Lincoln*.

[ 195 ]

An old Historian <sup>f</sup> writes, That it was here the young King received Advice of his Father's Death; which, to outward Appearance, he seemed to lament exceedingly, and this might be one Cause of a sudden Dissolution of this Parliament <sup>g</sup>.

Anno Regni 2.  
1328.

At *Westminster*.

Not long after the King's Return to *London* he held a Parliament, or rather, says *Tyrrel*, a great Council of the Nobility, at *Westminster*, *Nov. 13*, the same Year. In this the only Matter that we can find transacted, was confirming the Privileges of the City of *London*, and ordaining several new Honours to the Mayor and Aldermen; which, with some other particular Grants, we may suppose was conferred on them, by Advice of the Queen, and the King's Guardians, for their remarkable Attachment, in the late Revolution, to her Interest <sup>h</sup>.

At *York*.

This Year also another Parliament was summoned to appear at *York*, on *Sunday* after *Candlemas-Day*, to treat of certain Articles of Peace, which had been propounded

<sup>e</sup> *Pro Parlamento habendo super Defensione Regni contra Scotos. Fæd. Ang. Tom. IV. p. 301.*

<sup>f</sup> *Henry Knyghton.*

<sup>g</sup> There is Mention made of a Parliament held at *New Sarum*, in a Writ to the Sheriffs, &c. to provide Horses, &c. for the Members that were coming to it. *Ibid. p. 315.*

*Teste Rege apud Novum Sarum vicesimo Die Octobris.*

This Parliament is also taken Notice of by *Knyghton*, col. 2553; but it was hindered from meeting, he says, *Nam Partes obviaverunt sibi super Planam de Salisbury, ibique se ad Pugnam paraverunt; sed per alios de Regno impediti sunt. sicque Parliamentum dilatatum est ad Festum Purificationis celebrandum, apud Westmonasterium.*

<sup>h</sup> *Barnes's Edward III. p. 23.*

Anno Regni 2.  
1328.

*At Northampton;*

[ 196 ]

**A Treaty with  
the Scots, by  
which the Claim  
of Superiority  
over that King-  
dom is given up.**

O 3 Earls,

k Called by the Scots, in Derision. *Joan Mackpeace*. *Knyghton* calls her *Joanna de Turri*, *Soror Regis Edwardi*. Col. 2558.

In Consideration of which *David* was to pay 30,000 Marks; *Knyghton* says 20,000, and that *Mortimer* had the Money. *Idem.*

m Tyrrtel's Hiftory, p. 350, from the *Chronicle of Lanercost*. This Charter is printed at large in his *Appendix*, and is in *Rymer's Fœdera*, Tom. IV. p. 337. Being dated at *York*, the Annotator on *Rapin* concludes that this Parliament was held in that City. Fol. Ed. p. 409 But both that Author and his Annotator have jumbled the Parliaments strangely in this Reign.



K. Edward III. ' Earls, Barons, and Commons of his Kingdom assembled in Parliament, grants to *Robert King of Scotland*, his Heirs and Successors, that they shall hold their Kingdom free, and for ever discharged it of all Subjections, and all Claim and Demand thereof from the King of *England*, his Heirs and Successors, and further renounce for himself, &c. by these Presents, all former Obligations, Agreements, or Compacts made by, or with, any, or either, of their Predecessors concerning the Subjection of the Kingdom of *Scotland*, or its People, both of the Clergy and Laity; and that if any such Charters or Instruments shall be found, he wills that they shall for the future be accounted as null, void, and of no Value. Dated at *York* the first Day of *March*,  
[ 197 ] ' *An. Reg. secundo.*'

So that all original Instruments of Homage from the Crown of *Scotland* being now lost and destroyed, if that the Charters of Homage made by King *John Baliol* were not recorded on our Rolls in the Tower, we could not be able to prove, unless by the Testimony of our Historians, that such Charters had ever been made.

In this very Parliament also the *Despensers*, Father and Son, *Edmund* late Earl of *Arundele*, who had been executed by the Queen's Party, without any legal Process made against them; *Walter Stapleton*, late Bishop of *Exeter*, and Sir *Richard Stapleton* his Brother, both beheaded in the Insurrection at *London*, were attainted of High Treason, by the Direction, says *Joshua Barnes*, of the Queen-Mother and the Lord *Mortimer*. Whether this Proceeding, adds he, was out of implacable Malice, which pursued them beyond the Grave, or to cover their late unjustifiable Actions against these Persons by a Parliamentary Sanction, it is certain that, in all the Proceedings of this Parliament, the Honour and Profit of the King and Realm was not so much regarded, as the Enriching, Security, and Advancement of Lord *Mortimer* <sup>k</sup>.

Some Matters of Moment happening soon after this last Parliament, new Writs were issued out, bearing Date *August 28*, for another to meet at *Salisbury* the Sunday next after the *Quindene*, or Fifteenth, of *St. Michael*.

<sup>k</sup> *Barnes's Edward III. p. 28.*

*chael*<sup>1</sup>. The Earl of *Lancaster*, the Lord *Wake*, and *K. Edward III.* some other Noblemen, refused their Attendance at this Meeting; the Earl giving for Reason, 'That being appointed by Parliament the King's Chief Counsellor and Guardian of his Person, the Lord *Mortimer* had now taken to himself the Regal Power, and would not permit him to come near the King, so as to advise and protect him according to his Trust. That though it had been decreed that no Person whatsoever should presume to come armed to this Parliament, yet the Lord *Mortimer* came with a great many armed Men, by which he the said Earl did not think his Person in Safety.' This being certified to the King and Parliament, it was thought a very reasonable Excuse by several Lords; and the King's two Uncles, *Thomas of Brotherton* and *Edmund Earl of Kent*, went over to the Earl of *Lancaster's* Party. It was not long, however, before they deserted him, and the Earl of *Lancaster* was reduced to such Straits, that, to make his Peace, he was obliged to ask Pardon of the Queen and *Mortimer*, at the Head of his Army.

[ 198 ]

At this Parliament the King's own Brother, *John of Eltham*, was created Earl of *Cornwall*, and Sir *James Botteler*, or *Butler*, of *Ireland*, Earl of *Ormond*: *Roger Mortimer*, Baron of *Wigmore*, was also made Earl of *March*<sup>m</sup>.

The aforesaid Lord *Mortimer* being now in the Zenith of his Power, fought to establish it by the basest Means; and judging that *Edmund Earl of Kent*, the King's Uncle, stood in his Way, he subtilly drew him into a sham Plot, in order to destroy him. The Manner of it is discoursed at large by the learned *Joshua Barnes*, in his elaborate History of this King's Reign, but is not to our Purpose. Sufficient it is to say, that *Mortimer*, knowing he had Proof enough against him, summoned a Parliament to meet at *Winchester* on the 13th of *March*, 1327<sup>8</sup>. Here the Noble Earl was attainted of High Treason, and, by the unanimous Consent of his Peers, adjudged to Death. Historians do not agree in their Accounts,

Anno Regni 3.  
1329.  
At Winchester.

<sup>1</sup> The King himself appointed Deputies to open this Parliament, as appears by a Precept to the Prelates, Barons, &c. Dated at *Mariborough*, Oct. 5. *Fæd. Ang. Tom. IV. p. 372.*

<sup>m</sup> *Barnes's Edward III. p. 30. Tyrrel and Brady.*

K. Edward III. counts of the Cause of it<sup>n</sup>, but think that it was for designing to set his Brother, King Edward II. at Liberty; being made, through Artifice, to believe that he was then alive, and a Prisoner in *Cardiff* Castle, in *Wales*°. No other Business that we can find was done at this Parliament<sup>p</sup>.

[ 199 ]

But it was not long before the Death of this Prince was amply revenged on the Authors and Contrivers of it. The young King being now come to a more mature Age, and being made a Father by the Birth of a Son, which his Queen brought him at *Woodstock*, afterwards called *Edward the Black Prince*, began to look more about him, and endeavour to shake off the Fetters which his Mother and her Minion had put upon him<sup>q</sup>. To that End he, of his own Accord, summoned a great Council, or a Parliament, to meet at *Nottingham*, on the 14th of *October*, in the fourth Year of his Reign<sup>r</sup>. It was here that the King's Eyes were more open, and he was better informed about the Practices of his Mother and *Mortimer*; and that he himself was in no small Danger if Things continued in the same State. All which being represented to him, by some well-affected Lords, the King gave Orders to them to seize *Mortimer*, and bring him to public Trial and Justice. The Manner how this Arrest was executed is largely told by all our Historians, but particularly Mr. *Barnes*; the Earl's Person was seized, as well as all his Adherents, in the Castle and Town of *Nottingham*, and sent Prisoners to the Tower

Anno Regni 4.  
1330.

At Nottingham.

*Mortimer*, Prime  
Minister, apprehended,

<sup>n</sup> *Hollingshead* writes, that the Earl confessed before the Parliament that he was about to restore his Brother to the Crown, by Command from the Pope, and in Conjunction with divers Lords and others, whom he there named. *Cbron.* p. 348.

<sup>o</sup> *Knyghton*, col. 2559. The Earl stood till the Evening before the Castle Gates at *Winchester*, and no Man could be found to do the Execution; *Propter Pietatem quam habebant de eo, nam damnatus erat absque communi Consensu.* At last a Villain, to save his own Life, beheaded him. See *Rapin* and his Annotator for the Earl's Confession, at large, before the Parliament, p. 410. 411.

<sup>p</sup> In the *Public Acts* there is a Letter directed to the Archbishop of *Canterbury*, demanding an Aid from him and his Clergy, in *Auxilio contra Guerram Franciæ*, which is said there to have been granted in a Parliament at *Eltham*, in the Beginning of the Year 1330, but no further Account can we meet with about it. *Acta Publica*, Vol. IV. p. 422. 423.

<sup>q</sup> *Froisart* writes, that it was suspected the Queen was with Child by *Mortimer*. *Froisart's History*, fol. 14.

<sup>r</sup> *Deinde Rex tenuit Consilium suum apud Nottingham, in quindena S. Michaelis, cum pene omnibus Magnatibus Regni.* *Knyghton*, col. 2553. *Claus.* 4 *Edw.* III. m. 29. d.

Tower of London. After which, the King being at *K. Edward III. Leicester*, adjourned the Parliament from *Nottingham* to *Westminster*, there to sit on this extraordinary Affair, the 26th of November following. The Writ for summoning a new Parliament, or adjourning the last, being in a Form very unusual, Dr. Brady has given us at Length in his *Appendix*, and an Abstract of it in his History. But a much more singular Writ than this, which was directed to the Archbishop of *Canterbury*, was sent to all the Sheriffs in *England*; in which the evil Designs of the late Minister, in packing of Parliaments to his Purpose, is openly declared, and shews that this Practice has a much earlier Date than is usually thought of. A Translation of which, out of the *Public Acts*, in old *French*, claims a Place in our Inquiries\*.

[ 200 ]

*The KING to the SHERIFF of Lancashire, Greeting.*

SINCE we have been lately informed that several Oppressions and Hardships have been put upon many of the People of this Realm, by some that were our Ministers in diverse Offices, aided by some of our Nobility, as well Privy Counsellors as others, so that our Affairs, by reason of the Tenderness of our Age, were managed by these People to our great Damage and Dishonour, which Things we can no longer suffer, it is our greatest Desire that all Matters may be put in their due Estate, and these Wrongs and Misprisions redressed:

*The King's Writ*  
to all the Sheriffs  
of *England*, relating  
to the electing  
Knights of  
Shires, for a Parli-  
ament to be  
holden on that  
Occasion.

We therefore charge and command you, on the Faith which you owe us, that immediately without Delay you proclaim in your Jurisdiction, as well within Liberties as without, that all those who can make Complaint of any Oppressions, Hardships, or other Grievances to them done, contrary to Right, and the Laws and Usages of our Realm, should appear at *Westminster*, at our ensuing Parliament, and make their Complaints to us, or to our Deputies, and we will see that they have as good and speedy Relief as in Reason they can desire.

And, because that, before this Time, several Knights, Representatives for Counties, were People of ill Designs, and Maintainers of false Quarrels, and would not suffer that our good Subjects should shew the Grievances of the common People, nor the Matters which ought to be redressed



*K. Edward III. sed in Parliament, to the great Damage of us and our Subjects :*

[ 201 ]

*We therefore charge and command that you cause to be elected, with the common Consent of your County, two, the most proper and most sufficient Knights, or Serjeants<sup>t</sup>, of the said County, that are the least suspected of ill Designs, or common Maintainers of Parties, to be of our said Parliament, according to the Form of our Writ which you have with you.*

*And this we expect you shall do, as you will eschew our Anger and Indignation.*

*Given at Woodstock, November the third.*

By the KING.

[ 202 ]

*The Parliament being assembled at Westminster<sup>u</sup>, on the Day appointed, the young King, it is said, made a Speech*

<sup>t</sup> The Word here is *Serjeante*, which we have translated literally, not knowing well what to make of it. The Law Dictionary says this Word sometimes signifies an Officer belonging to a County, the same which *Bracton* calls *Servientem Hundredi*, so the Steward of a Manor is called *Serviens Manerii*. But the true Meaning of the Word *Serjeante*, as we are informed by a learned Judge, [Mr. Baron Smyth] is Persons holding of the Crown in Grand Serjeanty.

<sup>u</sup> The Names of the Peers summoned to this famous Parliament, extracted from the Abridgment of Parliamentary Records, will not be unacceptable to a curious Reader, p. 5.

*Anno Quarto Edw. III. summonitio Parliamenti.*

*Rex, &c. Thom. Com. Norff. & Marefcallo Angliæ, &c. apud Westm. Die Lunæ prox. post Festum S. Catharinæ, &c. Test. apud Leicest. per Reg. 23 Octobris.*

*Consimiles Literæ diriguntur subscriptis.*

Johanni Com. Cornubiæ, Fratri Regis,	Williel. la Zouch, de Mortuo Mari
Henrico de Lanc. Com. Lanc.	Williel. la Zouch, de Harringworth,
Johanni de Warren, Com. Sur.	Randolfo de Dacre,
Johanni de Britannia, Com. Richm.	Richardo de Damoroy,
Roberto Vere, Com. Oxon,	Roberto de Morley,
Johanni de Bohun, Com. Heref. & Essex,	Hugoni de Courtney,
Tho. de Bello Campo, Com. Warr.	Johanni de Bello Campo, de Somerset,
David de Strabolgi, Com. Athole,	Johanni de Cromwel,
Henrico de Percie,	Johanni de S. John,
Roberto de Clifford,	Fulkoni de Strange,
Willielmo de Latimer,	Simoni Warde,
Henrico Filio Hugonis,	Johanni de Haverington,
Johanni Pette,	Johanni de Claveringe,
Johanni de Mowbray,	Henrico de Cobham,
Rado. de Nevil,	Rogero de Grey,
Anth. de Lacie,	Henrico de Grey,
	Stephano de Cobham.

Richardo

Speech to them, complaining much against the Conduct of the Queen and *Mortimer*; and that, with the Consent of his Subjects, he designed to assume to himself the Reins of Government, tho' he was not yet arrived to the Age prescribed by Law. The Parliament gladly consented, all the Members being equally ready to second his Designs. For this Hint of a Speech we have no better Authority than Mr. *Rapin*; where he had his the Marginal Notes do not declare; it is likely that the Matter was proposed to the Parliament by some of the Ministry, it not being the Custom in those Days to speak from the Throne, as the Reader will plainly find in the Sequel. Mr. *Tindal* indeed has added, from good Authority, that the King resumed into his Hands, in this Parliament, all the Grants that had been made during his Minority.

K. Edward III.  
Anno Regni 4.  
1330.  
At Westminster.

The next Thing we find done at it, was the exhibiting the following Articles against the Lord *Mortimer*, which we shall here give, translated from the *French* Original, now on the Rolls in the Tower, and are in Dr. *Brady's* and Mr. *Tyrrel's* Histories, with the latter's Reflections on the further Proceedings of this Parliament \*.

*These are the Treasons, Felonies, and Mischiefs done to our Lord the King and his People, by Roger Mortimer, and others of his Company.*

I. 'Whereas in the Parliament holden at *Westminster* next after the King's Coronation, it was ordained, 'That

Articles of Impeachment  
against Lord  
*Mortimer*.

Richardo de Grey,  
Thomæ Bardolfe,  
Rado. Bassët, de Draiton,  
Rado. de Camoys,  
Humfrédo de Poinitz,  
Hugo de Audele,  
Phil. Darcy,  
Willielmo de Eyme,  
Roberto de Isle,  
Johanni de Marmion,  
Philippo de Columber,  
Tho. de Furnivall, sen.

Tho. de Furnivall, jun.  
Johanni de Mohun,  
Jacobo de Audley,  
Johanni Matrevers, jun.  
Willielmo Blunt,  
Bartho. de Burghershe,  
Henrico de Ferrariis,  
Johanni le Strange,  
Johanni le Sherleton,  
Bartho. de Burghershe, *Custodi*  
*Quinque Portuum.*

We begin now to have this and the succeeding Parliaments better and more regularly entered on the Rolls than formerly. This Parliament, 4 *Edward III.* has this Introduction.

*Recorda et Memoranda de hiis que fiebant in Parlamento summonito apud Westmonasterio Die Lunæ proximo post Festum Sancte Catherine. An. Reg. Regis Edwardi Tertii post Conquestum quarto, liberata in Cancellariam per Henricum de Edenstowe, Clericum Parliamenti.*

\* *Rymer's Fæd.* Tom. IV. p. 476. See also a Copy of these Articles in *Knyghton*, col. 2556.

K. Edward III. ' That four Bishops, four Earls, and six Barons should  
 ' remain with the King to advise him, and that four  
 ' should still be with him, viz. one Bishop, one Earl,  
 ' two Barons at least, and that no great Business should  
 ' be done without their Assent; after which Parliament  
 ' the said Roger not having Regard to the said Assent,  
 ' usurped to himself Royal Power, and the Government  
 ' of the Realm, above the State of the King, and put  
 ' out and placed Officers in the King's House, and other  
 ' [ 203 ] ' where throughout the Kingdom, at his Pleasure, such  
 ' as were of his Party, and set John Wayward and others  
 ' about the King, to observe his Actions and Words;  
 ' so as he was encompassed by his Enemies, that he  
 ' could do nothing as he would, but only as a Man  
 ' under Guard or Restraint.

II. ' Whereas the King's Father was at *Kenelworth*,  
 ' by Order and Assent of the Peers of the Land, to stay  
 ' there for his Ease, and to be served as such a great  
 ' Person ought to be; the said Roger, by his usurped  
 ' Power, which he exercised over him at his Pleasure,  
 ' ordered that he should be sent to *Berkley Castle*, where,  
 ' by him and his Confederates, he was traiterously, felo-  
 ' niously, and falsely murdered and killed.

III. ' The said Roger, by his usurped Royal Power,  
 ' forbade, by the King's Writ under the Great Seal,  
 ' That any should come to the Parliament at *Salisbury*  
 ' with Force and Arms, under Pain of forfeiting what-  
 ' ever they had to the King; yet thither he came, with  
 ' others of his Party, with Force and Arms to the said  
 ' Parliament, contrary to the Prohibition aforesaid;  
 ' wherefore divers Peers of the Land, as the Earl of  
 ' *Lancaster* and others, knowing the Manner of his  
 ' coming, would not be there: And whereas the Pre-  
 ' lates were assembled in one House, to consult about  
 ' the Business of the King and Realm, the said Roger  
 ' broke open the Doors of the said House with armed  
 ' Men, upon the Prelates, and threatened them with  
 ' Life and Member, if any of them should be so hardy  
 ' as to speak or do any Thing contrary to his Pleasure in  
 ' any Point. And in the same Parliament, by the said  
 ' usurped Power, he caused the King to make him Earl  
 ' of *March*, and to give him and his Heirs several Lands  
 ' in Disherison of the Crown; and afterwards the said  
 Roger

‘ *Roger*, and those of his Party, led the King armed K. Edward III.  
 ‘ against the Earl of *Lancaster*, and other Peers of the  
 ‘ Land, as far as *Winchester*, when they were coming  
 ‘ to the Parliament at *Salisbury*, so that the Earl and  
 ‘ other Peers, to avoid the Evils that might have hap-  
 ‘ pened, out of Regard to the King, departed and went  
 ‘ toward their own Countries, grieving that they could  
 ‘ not speak with, or advise, their Liege Lord as they  
 ‘ ought to do.

IV. ‘ The said *Roger*, by the said usurped Power, cau-  
 ‘ sed the King to march forcibly against the said Earl,  
 ‘ and other Peers of the Land, who were appointed to  
 ‘ be with the King to advise him ; and so prosecuted them  
 ‘ with Force, that the said Earl and some others of his  
 ‘ Company, that wished well to the Kingdom, submit-  
 ‘ ted to the King’s Grace, saving to them Life and Mem-  
 ‘ ber, and that they might not be disinherited, nor have  
 ‘ too great a Fine set upon them ; yet he caused them to  
 ‘ be fined so grievously, that half their Lands, if sold out-  
 ‘ right, would only pay it ; and others he caused to be  
 ‘ driven out of the Nation, and their Lands to be seized,  
 ‘ against the Form of the Great Charter, and Law of the  
 ‘ Land.

[ 204 ]

V. ‘ Whereas the said *Roger* knew well the King’s  
 ‘ Father was dead and buried, he, by others of his Party,  
 ‘ in deceivable Manner, informed the Earl of *Kent* that  
 ‘ he was alive ; wherefore the Earl, being desirous to  
 ‘ know whether it was so or not, used all the good  
 ‘ Ways he could to discover the Truth, and so long,  
 ‘ till the said *Roger*, by his usurped Royal Power, caused  
 ‘ him to be apprehended in the Parliament holden at  
 ‘ *Westminster*, and so pursued him, as in that Parliament  
 ‘ he procured his Death.

VI. ‘ The said *Roger*, by his usurped Royal Power,  
 ‘ caused the King to give to him and his Children, and  
 ‘ Confederates, Castles, Towns, Manors, and Fran-  
 ‘ chises in *England*, *Ireland*, and *Wales*, in Decrease of  
 ‘ the Revenues of the Crown.

VII. ‘ The said *Roger*, in deceivable Manner, caused  
 ‘ the Knights of Shires, at the Parliament at *Winchester*,  
 ‘ to grant to the King one Man at Arms out of every  
 ‘ Town of *England*, that answered in the Court of the  
 ‘ *Eyre* by four Men, and the Provost, (i. e. the Rieve  
 or



K. Edward III. ' or Bailiff of the Lord of the Manor) to serve at their  
 ' own Cost, for a Year in his War in *Gascoigny*; which  
 ' Charge he contrived for the Advantage of himself and  
 ' Party, in Destruction of the People.

[ 205 ]

VIII. ' The said *Roger*, by his said usurped Royal  
 ' Power, caused Summons to be sent to many great  
 ' Knights and others, that they should come to the King  
 ' where-ever he was; and when they came, he caused  
 ' them to be charged to prepare themselves to go into  
 ' *Gascoigny*, or fine at his Pleasure; which Fines were  
 ' for the Benefit of him and his Party.

IX. ' The said *Roger*, falsely and maliciously, made  
 ' Discord between the King's Father and his Queen;  
 ' and possessed her, that if she went to him she should  
 ' certainly be killed with a Dagger, or otherwise mur-  
 ' dered; and by this Way, and his other Subtilties, he  
 ' so ordered it, that she would not come to her Liege  
 ' Lord and King, to the great Dishonour of her Sort  
 ' and Self, and great Damage of the whole Realm, per-  
 ' chance, in Time to come, which God forbid.

X. ' The said *Roger*, by his said usurped Royal Power,  
 ' had caused to be taken, for him and his Party, the  
 ' King's Treasure, as much as he pleased, without Tale,  
 ' in Money and Jewels, in Destruction of the King, so  
 ' that he had not wherewithal to pay for his Victuals.

XI. ' The said *Roger*, by the said usurped Power,  
 ' caused to be shared between him and his Confederates  
 ' the twenty thousand Marks which came out of *Scotland*  
 ' for the Articles of Peace, without any Thing received  
 ' by the King.

XII. ' The said *Roger*, by his above-mentioned Royal  
 ' Power, received the King's Duties and Purveyance  
 ' through the Kingdom, as if he had been King; and  
 ' he and his Party had with them double the Company of  
 ' Men and Horse that were with the King, in Destruction  
 ' of the People, not paying for their Quarters any  
 ' more than they themselves pleased.

XIII. ' The said *Roger*, by his said Royal Power,  
 ' caused the King to grant to the Amount of two hundred  
 ' Charters of Pardon to those *Irish* who had killed the  
 ' Great Men of *Ireland*, and others, who were in the  
 ' King's Faith; whereas the King ought immediately

' to

\* to have revenged their Deaths, rather than pardon *R. Edward III.*  
 \* them, contrary to the Statute and Assent of Parliament <sup>a</sup>.

XIV. ' The said *Roger* contrived to have destroyed  
 ' the King's secret Friends, in whom he had most Con-  
 ' fidence; and he surmised to the King, in the Presence  
 ' of the Queen his Mother, the Bishops of *Lincoln* and  
 ' *Salisbury*, and others of his Council, that his said secret  
 ' Friends had excited him to combine with his (the said  
 ' *Roger's*) Enemies beyond Sea, in Destruction to the  
 ' Queen his Mother, and of him the said *Roger*; and  
 ' this he affirmed so impudently to the King, that he  
 ' could not be believed against what he had said; and for  
 ' these Things, and many others, not as yet fit to be  
 ' declared, he had been apprehended: Wherefore the  
 ' King charged the Earls and Barons, the Peers of the  
 ' Land, as these Things concerned himself, themselves,  
 ' and all the People of the Realm, to do right and true  
 ' Judgment upon him for the Crimes above-written, as  
 ' being notorious, and known to be true, to themselves  
 ' and all the People of the Kingdom <sup>b</sup>.'

[ 206 ]

These Articles, though somewhat long, are here given at large, because they give greater Light to divers Transactions in the three first Years of this King's Reign, than is to be had any where else.

Then the Earls, Barons, and Peers, having examined these Articles, came into Parliament before the King, and they all deliver'd their Opinion, by one of their Body, ' That all Things contained in the said Articles were notorious, and known to themselves, and all the People; wherefore they, as Judges in Parliament, by Assent of the King, did award and judge the said *Roger*, as a Traitor and Enemy to the King and Kingdom, to be drawn and hang'd, and commanded the Earl Mareschal to execute the Judgment, and the Mayor, Aldermen, and Sheriffs of *London*, with the Constable of the Tower, and those who had the Guard of him, to be aiding and assisting with the Earl Mareschal at the Execution; which was performed accordingly on the 29th of

He is condemned  
and executed.

*November,*

<sup>a</sup> This Article is most wretchedly mangled in both *Dr. Brady's* and *Mr. Tyrrel's* Translations; in the Original it is as we have given it.

<sup>b</sup> The Original says, *Item le dit Roger compassudaver Destruyt les Nurris le Roy, & ceux que furent ses plus secrez, &c.* *Norris*, must be the same as *Nourisse*, the King's Nurse; but we have not adventured to translate it.

K. Edward III. ' November, 1330, at a Place then called the *Elms*, and  
 ' now *Tyburn*, the third Day after the Meeting of this  
 ' Parliament.' His Body, after it had hung two Days  
 and two Nights, was granted to the Fryars-Minors, who  
 buried it in their Church, now called *Christ Church* <sup>d</sup>.

[ 207 ]

As are also several others of his Confederates,

Next, the King in this Parliament charged the Earls, Barons, and Peers, to give right and true Judgment against *Simon de Bereford*, Knight, who had been aiding and advising with *Roger Mortimer* in all the Treasons, Felonies, &c. for which he was afterwards adjudged to die, as was notoriously known to the said Peers; whereupon they came before the King in Parliament, and said all with one Voice, ' That the said *Simon* was not their  
 ' Peer, and therefore they were not bound to judge him  
 ' as a Peer of the Land: But since it was a Thing so  
 ' notorious, and known to all that he was advising, aiding, and assisting the said *Roger* in all the Felonies, Treasons, and Villanies aforesaid, which were to the  
 ' Usurpation of Royal Power, the Murder of their Liege Lord, and Destruction of the Royal Blood; and that  
 ' he was guilty of divers other Felonies and Robberies, and a principal Maintainer of Robbers and Felons,  
 ' they, as Peers and Judges of Parliament, by Assent of the King, do award and adjudge him, as a Traitor and  
 ' Enemy to the King and Realm, to be drawn and hang'd; and the Earl Mareschal was commanded to do  
 ' Execution;' which was also done on *Monday* next after the Feast of *St. Thomas* the Apostle.

But it appears by the same Parliament Roll, that it was then also declared, That tho' the Lords and Peers in Parliament had for this Time, in the King's Presence, proceeded as Judges to give Judgment upon those that were no Peers; yet hereafter this should be no Precedent to draw them to give Judgment on any other but their Peers, in Cases of Treason or Felony.

Then the Peers proceeded and passed Judgment upon the principal Actors in the Murder of the late King *Edward*, and the Death of *Edmund* Earl of *Kent*; and, for the latter of these, Sir *John Maltravers* being found guilty in making him falsely to believe that the said King

was

<sup>d</sup> *Predictus Rogerus ut Proditor et Inimicus Regis et Regni, distractus sit et suspensus, tertio Kal. Septembris apud Londonias; cujus Corpus duobus Diebus et Noctibus nudum pendeat super Farcas. Deinde traditum est Corpus sepeliri apud Fratres Minores London. Knyghton, col. 2556.*

was alive, the said *John* was sentenced to be drawn, *K. Edward III.* hanged, and beheaded as a Traitor, when and where-ever he should be found ; and the Peers prayed the King to issue forth his Proclamation, That any one who could take him alive, and bring him to the King, should have a thousand Marks ; and if he could not be taken alive, he that should bring his Head, should have five hundred Pounds of the King's Gift. [ 208 ]

But it seems strange that this Man, who is reported by all our Historians to be as much concerned as any in the Murder of King *Edward*, should not be now condemned for that, but another less Crime ; which makes me suppose, says *Tyrrel*, that there was not such sufficient Proof made out against him of that Murder, as there was of the other : But, notwithstanding this Price which was put upon his Head, it is certain he was never taken, but lived a banished Man in *Germany*, at the Time when our Author wrote his Chronicle °.

Further, the same Judgment was given against *Bogo de Bayons* and *John Daveril*, for the same Cause, and he that could take *Bogo* alive, and bring him to the King, should have a hundred Pounds ; or if he brought his Head, he should have a hundred Marks ; also he that could take *John Daveril* alive, and bring him to the King, should have a hundred Marks, or if he could bring his Head, he should have forty Pounds.

The same Judgment was given likewise against *Thomas de Gurney* and *William de Ocle*, for the Death of King *Edward*, ‘ That they had falsely and traiterously ‘ murdered him ;’ and he that could take *Thomas* alive, was to have a hundred Pounds ; or if he could bring his Head, a hundred Marks : He that could bring *William de Ocle* alive, was to have a hundred Marks, or for his Head, forty Pounds.

What became of this *de Ocle* we don't find, but as for *Gurney*, he was, not long after, seized at *Marseilles*, in *France*, and being put on board a Ship, in order to be brought over to *England*, was, by Order of the Captain, (who, no Doubt, had his Orders) beheaded at Sea ; lest, if he arrived, he should accuse some Prelates and other Great Men, as being privy in consenting to the same Crime.

VOL. I.

P

At



K, Edward III. At the Close of all these Judgments for Death, &c. is another Declaration of the Peers, 'That they should not be drawn into Consequence, nor be made injurious to their Privileges for the Time to come.' Amongst the Pleas of the Crown in this Parliament<sup>f</sup>, there is recorded the Arraignment of the Lord *Thomas de Berkeley*, for the Death of *Edward II.* to this Effect; For that the said King was committed to the keeping of the said *Thomas* and *John Maltravers*, in the Castle of the said Sir *Thomas* at *Berkeley*, when he was murdered; the said Sir *Thomas* saith, 'That, at the Time of the Death of the said King, he was sick at *Bradelye*, without the said Castle, and knew not what was done there, nor was consenting thereunto;' and thereupon put himself upon his Trial by twelve Knights, named in the Record, who found him Not guilty, nor that he fled, or withdrew himself upon it; but since he had placed under him *Thomas de Gurney* and *William de Ocle* to keep the King, by whom he was murdered, he had a Day given him to hear his Judgment in the next Parliament; and, in the mean Time, he was committed to Sir *Ralph Nevill*, Steward of the King's Household.

[ 209 ]

In this Parliament *Edward*, the young Earl of *Kent*, was also restored to his Father's Honours and Estate, as hath been already observed; for, being encouraged thro' the Clemency as well as Justice shewn by the King to *Richard*, Son of the late Earl of *Arundele*, he also pray'd to be restored to his Blood, Lands, and Goods, seeing his Father was put to Death, not being tried by his Peers, according to the Great Charter and the Law of the Land; but because the Attainder was confirm'd by Parliament at *Northampton*, he mended his Petition, and prayed to be restor'd of the King's meer Grace; which was granted accordingly.

Also, in the same Parliament, the Prelates, Earls, and Barons, prayed and advised the King to give and grant a Thousand Pounds *per Annum* to Sir *William Montacute*, and his Heirs, for his Service in taking *Roger Mortimer*, Earl of *March*, and his Confederates, without Bloodshed; a Thousand Marks whereof was to be out of the Lands of *Mortimer*. And, upon the like Prayer and Advice, his Assistants, *viz.* *Edward Bohun* had

<sup>f</sup> Rot. Parl. A. R. R. Edw. III. 4<sup>o</sup>.

had four hundred Marks *per Annum* to him and his Heirs; *K. Edward III.* *Robert de Ufford* three Hundred, and *John Nevill* two Hundred.

The rest of the most considerable Transactions of this Parliament are, That *William* Archbishop of *York*, *Stephen* Bishop of *London*, *William* Abbot of *Langdon*, *William* Lord *Zouch* of *Mortimer*, and many others, who had agreed with *Edmund*, late Earl of *Kent*, for the Delivery of the late King *Edward*, and been thereof impeached, were now wholly acquitted, and fully restored to all their Goods and Possessions.

[ 210 ]

It was also ordered, That those who had taken up Arms with *Henry* Earl of *Lancaster* at *Bedford*, in which the Mayor and Citizens of *London* were included, or had been concerned in the Matter of *Edmund*, late Earl of *Kent*, should be released of all Fines imposed on that Account; and that their Lands, which were therefore seized into the King's Hands, should be restored with the Mesne-Profits, &c. and therefore the King pardoned *Henry* Earl of *Lancaster*, and all those who took Part with him, all Fines and Ransoms whatsoever.

And farther, we find, that soon after the News of *Mortimer's* Fall, and the Knowledge of this Pardon, *Thomas* Lord *Wake*, *Hugh* Lord *Audeley*, *Henry* Lord *Beaumont*, Sir *Thomas Rosselin*, Sir *William Trussell*, Sir *Thomas Withers*, and the rest whom *Mortimer's* Power had forced beyond the Seas, returned from *France*, and were received as their Loyalty deserved; being by the King freely restored to all their Lands and Possessions.

But before we take Leave of this Parliament it is necessary to observe, That there was an Act <sup>2</sup> passed in it for the holding one once a-year, or oftener, as Occasion required. And now this Parliament, having dispatched a great deal of Business in a short Time, was dissolved a little before *Christmas*; when the King went down into the Country to divert himself, and kept that Festival at *Wells*.

With *Mortimer* fell also the Queen-Mother's Power and Authority at Court; and tho' we find nothing in the Records of this Parliament relating to her, we may suppose it was in Respect to the King, who dutifully

And the Queen-Mother made Prisoner for Life,

P 2

declin'd

<sup>2</sup> Vide Stat. at large 4 Edw. III. cap. xiv. This Act is not entered on the Rolls,

K. Edward III. declin'd calling her into Question. He thought proper however to confine her for Life, and she continued a State Prisoner, in the Castle of *Risings*, near *London*, all the rest of her Days; with an Allowance of three thousand Pounds a Year for her Maintenance.

Anno Regni J.  
1331.

At Westminster.

[ 211 ]

In the fifth Year of this King's Reign he called a Parliament at *Westminster* to meet the Day after *Michaelmas-Day*; in which the Bishop of *Winchester*, Chancellor, declared the Cause of the Summons to be, 'Concerning the Duchy of *Guyenne*<sup>i</sup>, and the King's Possessions beyond Sea, whether Peace should be made or other Issue put to the Dissentions between the Kings of *England* and *France*, by reason of the said Territories. As also about Affairs in *Ireland*, concerning the King's going thither, to ordain how Peace might be the best kept in that Nation.' It was agreed that the King's Business should be preferred before any other.

Upon this the Chancellor applied himself to the Prelates, Earls, Barons, and other Great Men, for their Advice, 'Whether they thought it best for the King to proceed by Way of Process of War, or by an amicable Treaty with the King of *France*, for the Restitution of *Guyenne*?' The Parliament agreed to the last, as the least dangerous Way of proceeding; and that the King was to nominate Commissioners for that Purpose; who accordingly named the Archbishop of *Canterbury*, the Chancellor and Treasurer, the Bishops of *Ely* and *Worcester*, the Earls *Mareschal* and *Warren*, Sir *Henry de Beaumont*, Sir *Henry de Percy*, Sir *Hugh de Courtney*, Sir *Geoffry le Scrope*, Sir *William de Herle*, Sir *John de Stonere*, and Sir *John de Cantebrigg*, [*Cambridge*] to take out of this Number whom he pleased, to be sent as Ambassadors to the *French* King, in order to treat of a Peace, and a good Agreement between them.

As to *Ireland*, it was resolved, 'That the King in Person should go thither; but, to prepare his Way, a certain Number of Forces, under able Commanders, should be sent before him, and that those especially that held any Lands there, should go speedily over for the Defence of that Kingdom.' Also it was ordained, 'That all learned Men in the Law, who should be appointed as Justices, should by no Means be excused on any Pre-

<sup>i</sup> *Duchee de Guyenne*, Rot. Parl. 5 Edw. III.

‘Pretence whatsoever.’ And further, it was ordered, *K. Edward III.*  
 ‘That Search should be made into his Majesty’s Records,  
 ‘to see what Methods had been formerly taken for the  
 ‘civilizing and well-governing the People of *Ireland*.

In this Parliament Sir *Hugh Despenfer*, Grandson and Several Pardons  
 Son to the two former *Hughs*, put to Death by Queen granted.  
*Isabel* and *Mortimer*, having obtained the King’s Pardon,  
 for valiantly defending his Castle from the Queen, was  
 now wholly acquitted of that Crime, and his Bail dis-  
 charged<sup>c</sup>. *Thomas* Lord *Berkeley*, who was also acquit-  
 ted last Year, petitioned to have his Manuprifors dis-  
 charged; and it was done accordingly. Mr. *Barnes* ob-  
 serves, That it was the Custom in those Days, when any  
 one had been tried as an Offender against the King, and  
 was acquitted, or had his Pardon, yet nevertheless he  
 was to provide twelve of his Peers to be Sureties for his  
 forth-coming during the King’s Pleasure. The Discon-  
 tinuance of which Custom, adds he, has been too use-  
 ful to Traitors in our Days<sup>d</sup>.

[ 212 ]

It was here also moved in full Parliament, either, says  
 our Author, in Compassion of Innocence, or because all  
 their Resentment was satisfied in the Execution of *Mor-  
 timer*, that the King would be graciously pleased to ex-  
 tend some Favour to *Edmund*, eldest Son to the late Earl  
 of *March*. At which bold Request the King being of-  
 fended, as imagining that they petition’d for a full Resto-  
 ration of his Father’s Lands and Honours, asked them  
 with some Emotion, ‘What they would have, since his  
 ‘Father had been murdered by the Procurement of the  
 ‘said Earl?’ The Parliament’s Answer was, ‘That they  
 ‘only spoke in the young Man’s Behalf for some certain  
 ‘Lands entailed.’ To which the King replied, ‘That  
 ‘he would do in that Matter what he himself thought  
 ‘fit.’ This Severity is said to have broke this young  
 Lord’s Heart; but his Son, then a Child, was restored  
 to all his Grandfather’s Honours and Possessions, three-  
 and-twenty Years after, by this very King.

In this Parliament it was agreed, that all Feats of Arms,  
 as Jufts, Turnaments, &c. should be forbid, as well by  
 the Justices as others, untill the King and his Council  
 should otherwise appoint.

P 3

Also

<sup>c</sup> The Bones of his Grandfather and Father were also granted to him to be  
 taken down and buried in Christian Burial. *Fæd. Ang. Tom. IV. p. 461.*

<sup>d</sup> *Barnes’s* Edw. III. p. 63. *Temp. Car. II.*



**E. Edward III.** Also that *Isabel*, the Queen-Mother, should have yearly three thousand Pounds, in Rents and Lands, allowed her for her Maintenance.

And that none of the Estates in Parliament should retain, sustain, or avow any Felon, or other common Breaker of the Law. Also,

It was enacted, That no Purveyance of Victual should be made, but for the King, Queen, and Royal Family, and that by good Warrant and ready Payment <sup>e</sup>.

An Ordinance was made to regulate the current Coin of the Kingdom, which had been counterfeited abroad, and was imported by foreign Merchants.

Lastly, it was agreed by the King and his whole Parliament, That the Bishop of *London* should reside near the King till the Meeting of the next Parliament, in order to advise for the best, along with the Chancellor, Treasurer, and others.

[ 213 ] The Necessity of the King's Affairs obliging him to have frequent Parliaments, another was summoned by Writ to meet at *Westminster*, March 12, 1332; reciting in the Summons the King's Reasons for calling them. Where, that we may see, says *Joshua Barnes*, (who we find had diligently searched into, and examined, all the Records of this Reign) what prudent Care was then taken, by these august Assemblies, that their Debates should not be awed by Fear, or disturbed by Tumults, it was first, by the King's Order, proclaimed, ' That no Man, upon Pain of forfeiting all his Substance, should presume to use or wear any Coat of Metal, or other Weapon offensive or defensive, in *London*, *Westminster*, or the Suburbs of the same <sup>f</sup>: And also that, during the Time of this Session, no Games, or other Plays, of Men, Women, or Children, should be used in *Westminster*, to the Disturbance of the Parliament.' Here also, adds he, we shall mention the laudable Custom of Parliaments in those Days, whereby certain Committees were appointed not only to be Receivers, but also Tryers of Petitions, who were to inquire of the Matter of Fact expressed in the Petition; that so it might be cleared and rightly stated before it came to be debated in full Parliament :

<sup>e</sup> *Barnes's Edw. III.* p. 64. See *Statutes at large*, An. Reg. 5 Edw. III.

<sup>f</sup> The Arms prohibited were Coats of Mail, Haubergeons, Swords, or long Knives, *Rot. Parl.* 6 Edw. III. No. 3.

ment: But of this we have more largely treated in a K. Edward III. former Reign.

At the Meeting of this Parliament the Chancellor opened the Session with a Speech in the Nature of a Sermon <sup>2</sup>, more fully declaring the King's Reasons for calling them: The Purport of which was to acquaint them, ' That his Majesty had received a Message that the King of *France*, with many other Kings and Princes, having appointed to go to the *Holy Land*, in the pre-<sup>Edward invited,</sup> sent Month of *March*, they much desired the Company by the King of of the King of *England*, for the better strengthening <sup>France, to go to</sup> themselves against the common Enemy of Christendom; the King therefore desired the Advice of this Parliament, whether it was proper to accompany them in this Expedition or not.' Then Sir *Geoffrey Scrope of Masham*, in the King's Presence, and at his Command, declared further, ' That this Meeting was called as well to redress the Breaches of his Laws and his Peace, as for the Voyage to the *Holy Land*: That the King was informed, and it was notorious to all, that divers People, defying the Law, were gathered together in great Companies, to the Destruction of the King's Subjects, the People of Holy Church, and the King's Justices; taking and detaining some of them in Prison, untill, to save their Lives, they had received great Fines and Ransoms, at the Pleasure of the Evil-doers; putting some to Death, robbing others of their Goods and Chattels, and doing other Mischiefs and Felonies.' Therefore he the said Sir *Geoffry*, on Behalf of the King, charged the Prelates, Earls, Barons, and others, there assembled, on their Faith and Allegiance, ' That they should advise him, first, concerning his Voyage to the *Holy Land*, which he very much desired to undertake; as also how the Peace might be kept, and how these Rioters might be chastised and restrained from their Wickedness.'

After these Speeches were ended, the Archbishop of *Canterbury* stood up and said, ' That it did not properly belong to their Function to be present at criminal Debates; and, with a Proviso of reserving their Rights still to themselves and Successors, withdrew, with the Proctors of the Clergy, to consult by themselves. The

' Earls,

K. Edward III. Earls, Barons, and other Grandees, consulted also apart, and the Representatives of the Commons apart, they at that Time having no particular Speaker.

The Result of these separate Consultations was, that the Lords and Great Men returned into the King's Presence; and, by the Mouth of Sir *Henry Beaumont*, whom they had then chosen to deliver it, declared that their Advice to the King was, 'That he should ordain Justices in every County of the Kingdom, for the Conservation of the Peace against Offenders, with Power to punish and repress them; and, further, that certain Officers should be appointed for apprehending Malefactors, and levying the Hue-and-Cry<sup>h</sup>.' Accordingly Commissions were issued out to the Sheriffs, and best Men of every County, to apprehend and imprison, and raise the *Posse-Comitatus* against them, and cause them to be indicted and punished according to their Deserts.

The Prelates and Clergy had drawn up a Sentence of Excommunication against these Malefactors, which was agreed to by the King, Earls, Barons, Knights of Shires, and Commoners<sup>i</sup>, and ordered to be pronounced against them in the Church of *St. Paul, London*, and afterwards sent to all the Bishops in *England*, to be published in their respective Dioceses. In which Sentence were included, 'All those who disturbed the Peace and Quiet of Holy Church and the Realm; especially such as made Alliances and Associations, by Covenants, Obligations, or Confederacies; all the Receivers, Favourers, or Defenders of them; and all such Covenants, Obligations, Confederacies, and Alliances were declared void.' To which the Prelates added, 'That if any Oaths had been taken to confirm them, they also were annulled and made of no Effect.'

These

<sup>h</sup> *Lever Hu et Crie.* In Orig.

We have not altered the Text here, as it runs in our first Edition, but we have since found that Justices of Peace were made earlier than this Time, viz. the first of this King, Anno 1327: For in the *Statutes at large* in that Year, chap. xvi. there is this Title, *Who shall be assigned Justices and Keepers of the Peace*: And, in the Body of the Act, *The King wills that, in every County, good and lawful Men, which be no Maintainers of Evil, or Barrettors in the Country, shall be assigned to keep the Peace.*

See also Statute 4 Edward III. cap. ii. *Statutes at large.*

<sup>i</sup> *Par nostre Seigneur le Roy, Prelatz, Countes, Barons, et outre Grantz, Chevaliers de Countees, Gentz de Commune, &c.* In Orig. No. 5.

Justices of the  
Peace first ap-  
pointed.

[ 215 ]

These domestic Disturbances had been occasioned by *K. Edward III.* Defect of good Government during the King's Minority; by which a great many bold, dissolute Fellows had associated themselves in great Companies, and, keeping the Woods and Forests, robb'd all that passed those Ways. Their Insolence was at that Time grown to such a Height, that they took Sir *Robert Willoughby*, the Lord Chief Justice, then travelling towards *Grantham*, to put the Statute of *Trail-Baston* in Execution against such Malefactors, and forced him not only to pay a Ransom for his Life, but to swear never to discover them. However he complained to the King and Parliament of this Villainy, which occasioned the foregoing Regulations to be made.

After settling their domestic Concerns, this Parliament went upon the Consideration of foreign Affairs; and it was unanimously agreed, That the Time mention'd by the *French King*, for *Edward* to join with him in the Crusade, was too short for that Purpose.

Then Sir *Geoffry Scrope*, by the King's Command, told them, ' That whereas, in the last Parliament at *Westminster*, it had been agreed that the Differences on ' Foot between the Kings of *England* and *France*, concerning the Territories beyond Sea, should be reconciled by Treaty, by Way of Marriage, or by some ' other amicable Manner; that thereupon the King had ' sent his Commissioners to the *French King*, who had ' treated with them, and reported back, that his Majesty of *France* told them, that if it pleased their Master ' to come over in Person, he would shew more Favour ' to him than to any other. Wherefore it was necessary ' to send speedily to the said King, and for this End the ' Advice of the Parliament was demanded, whether the ' King should go over in Person or not.' The Parliament consented to his going, in Hopes that all Obstacles towards an Agreement between them might be thereby removed, and much Advantage accrue to the Realm. They advised also, that the *Irish Expedition* might be postponed for this Year; but that an Army should be sent over into that Country.

There are some Observations which must necessarily be made on the Conduct of this particular Parliament, in order to illustrate our Historical Proceedings. It is



**K. Edward III.** remarkable that this is the first Time that we can find that the Commons ever separated from the Lords and made a distinct House by themselves, though without a Speaker. Also that the lower Clergy were present at this Parliament, represented by their Proctors, sat by themselves, the Bishops included, and not with the Lay-Commons, as some Writers, without any just Grounds, have asserted. It seems here, likewise, that Justices of Peace, such as we have at this Day in Power, were first established<sup>i</sup>. And lastly, that tho' this Parliament did not sit a whole Week, yet it shews how much Business was dispatched in a few Days, when all Things were drawn up and ready prepared by the King and his Council beforehand. Yet, tho' the King gave Leave for the Knights of Shires, Citizens and Burgessees, with those of the lower Clergy, to return home, he ordered the Lords and his Counsellors in Parliament to tarry longer, to have their Advice in some other Matters of great Moment which he had to propose to them.

[ 217 ]

About this Period an Opportunity offered for this King *Edward* to recover all in *Scotland* which his Father had lost. Some *English* Lords, who were Borderers to that Kingdom, judged this a fit Time to revenge the late Injuries on the *Scots*, because *David Bruce* their King was a Minor, and their two great Generals, *Douglas* and *Randolf*, both dead: Having made the Lord *Baliol* their General, they first invaded, and then carried on their Conquests in that Kingdom with great Success. The News of these Exploits had not yet reached *England*; and *Edward* had called another Parliament to meet on the 9th of *September*<sup>k</sup> at *Westminster*, the same Year, where the Bishop of *Winchester*, Lord-Chancellor, declared, 'That the Cause of their meeting was about the Affairs of *Ireland*, and the King's going over there in Person to quell the Rebels, who had done great Mischiefs in that Country.' The Parliament adjourned to *Thursday* following, to consider of this Affair, they were alarmed with some sudden News out of the North, which made them fear an Invasion from the *Scots*; whereupon the Lords and Commons did each, by their several

Anno Regni 6.  
1332.

At Westminster.

<sup>i</sup> Called in the Record, *Gardeins des Countees, pur le Pees garder, et l'Empeeschement des Malweys, &c.*

<sup>k</sup> *Lendemayn de la Nativité notre Dame, par Jour de Meskerdi* [Mecredi]  
*Rot. Parl. 6 Edw. III. in Titulo.*

several Petitions, advise and request the King not to go <sup>R. Edward III.</sup> into *Ireland*, but to send a sufficient Supply of Men and Money, whilst himself marched a strong Army towards the North, in order to watch the Motions of the *Scots*. For this Expedition the King had a Fifteenth granted him of all the Personal Estates of the Prelates, Lords, and Knights of Shires; and a Tenth of the Cities and Boroughs<sup>m</sup>: But they desired, ‘That the King would please to live of his own, without grieving his Subjects by outrageous Prizes, or such-like illegal Taxations.’ Hereupon the King revoked the late new Commission for raising of certain Tallages or Customs, and promised from henceforth to settle the same according to the old Rates, and in some Haste broke up this Parliament.

A Supply granted for the Recovery of Scotland.

Very soon after this Parliament was dissolved, the King removed his Court to *York*, in order to receive the speedier Account of the Posture of Affairs in *Scotland*. Here it was that he met the agreeable News of the Success gained by the Lords aforesaid; and that they had actually gone so far as to bring about a Revolution in that Kingdom, and to crown *Baliol* King of *Scotland* at *Scoon*. *Edward*, upon this, immediately summoned a new Parliament to meet at *York*, a few Days before the Feast of *St. Michael*; but they did not meet till the 2d of *December* following<sup>n</sup>. We find that Sir *Geof-*

[ 218 ]

<sup>m</sup> In a marginal Note in our Copy of the Records is put, *Le 15<sup>me</sup> de la Communiaute et le 10<sup>me</sup> de Citeys et Bourgs, a Cause que le Merchands et Gens de mestier sont riches en Argent.*

<sup>n</sup> The King's Letter to the Archbishops, Bishops, &c. appointing certain Persons to open this Parliament in his Stead, is as follows:

*Rex Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, & omnibus aliis, ad instans Parliamentum nostrum summunitum, conventuris, salutem.*

*Quia propter aliquas certas Causas sumus ad præsens præpediti, quominus, ista Die Veneris, apud locum prædictum personaliter accedere valeamus, Nos,*

*De Circumspectionis & Industriæ Magnitudine dilectorum & fidelium nostrorum Venerabilis Patris W. Eborum Archiepiscopi, Angliæ Primatis, Magistri Roberti de Stratiord, & Galfridi le Scrope, plenam Fiduciam obtinentes; eis, & duobus eorum, ad inchoandum, Nomine nostro, Parliamentum prædictum, & ad faciendum ea quæ pro nobis & per nos facienda fuerint, usque Adventum nostrum ibidem, plenam tenore Præsentium commitimus Potestatem.*

*Et ideo vobis mandamus quo eisdem Archiepiscopo, Roberto & Galfrido, & duobus eorum, intendentes sitis in Præmissis in Forma prædicta.*

*In cujus. &c.*

*Teste Rege apud Knaresburgh, primo Die Decembris.*

*Per Breve de Privato Sigillo.*

*Fæd. Ang. Tom IV. p. 539.*

K. Edward III. *fry Scrope* was again the King's Prolocutor on this Occasion ; and declared the Reason of that Meeting was, ' That the King having lately understood that the Lord ' *Baliol* had caused himself to be proclaimed King of ' *Scotland*, and that the Truce with *David Bruce* was ' newly expired, he demanded their Advice whether he ' should fall upon *Scotland*, in his own Name, and claim ' the Dominion thereof as his own Right ; or else, by ' joining with King *Baliol*, should take the Advantage ' of recovering the Homage and Services his Ancestors ' had enjoyed.' But because great Part of the Prelates and Clergy were absent, nothing was then resolved on, but the Parliament was adjourned to the Octaves of St. *Hilary*, or the 5th of *January* following ; the King being obliged to send out fresh Summons, strictly enjoining all Persons to attend, and to delay no longer, or hinder, the King's weighty Affairs on any Pretence whatsoever.

The Parliament  
adjourned, on  
Account of a  
Dispute between  
the two Arch-  
bishops.

[ 219 ]

This last Disappointment was entirely owing to Spiritual Pride ; the two Archbishops disputed about bearing of their Crosses in each other's Province. *Canterbury* and all his Clergy refused to come thither, because the Metropolitan of *York* claimed to bear his Cross equal with the other in his own Diocese. This Obstinacy in the Archbishop of *Canterbury* lost the King a fine Opportunity of marching his Forces against *Scotland* ; besides the Indignity offered to the King himself, and the insupportable Trouble and Expence which must accrue to the whole Kingdom by a new Meeting.

However, at the Time of Adjournment, all appeared ; and on the first Day of their Sitting Command was given to the Mayor of *York*, in Presence of the King and all his Parliament, to see the King's Peace kept in the said City and Suburbs thereof, and to arrest all that offended against it : Also Proclamation was made against Weapons and Plays, by the Steward and Marechal, before the House where the Parliament sat, and by the Mayor and Bailiffs in the City.

After all this Formality, our Records are short as to any notable Transactions of this Parliament. They only acquaint us that Sir *Geoffry Scrope*, by the King's Command, declared to the whole Assembly the Circumstances of the two last Meetings, and that the Affairs then treated

of were left to a Committee, of which the Bishop of *Winchester* was Chief: And two Days after the said Bishop, from the Committee, declared, That he and they had consulted about the King's Claim in *Scotland*; but, because it was a Matter of great Consequence, they had not come to any Resolution about it, only that they wished the King would take the Advice of the Pope and the *French* King for his better proceeding therein: So, after having appointed Wardens of the North Marches, the King dissolved this Parliament <sup>g</sup>.

Some Chronicles tell us that the Lord *Beaumont*, the Earl of *Athole*, and several other Lords, who had been engaged with King *Baliol* in the *Scots* Affair, appeared at it, being sent by the said King to use all their Interest to engage *Edward* and the Parliament to declare in his Favour. At the same Time came certain Envoys from King *David Bruce*, 'to beseech the King that he would give no Assistance to his Enemy; but rather to aid him, who was his Brother-in-Law and Ally, with whom also he was then at Amity.'

It does not appear that any direct Answer was given to either of these Petitions; it is only said that the King was advised 'not to act against his own Subjects, who had lost all their Estates in *Scotland* by the late Articles of Peace, and who had taken up Arms only to regain them <sup>h</sup>.'

It may readily be imagined, by the Consequences of Affairs, that the Politics of those Times inclined the King to take this Advice: For though he religiously kept the late Treaty with *Scotland* on his own Part, yet no sooner was the four Years Truce expired, but he sent Ambassadors to *David*, the young King, demanding a Restitution of *Berwick*, and that he should come and do his Homage to the King of *England*. This being utterly denied by *David* and his Nobility, they declared War against the *Scots*, and, according to their Instructions, defied their King.

[ 220 ]

For the more effectual carrying on of this War, *Edward* had summoned a Parliament to meet at *York*, about the Beginning of *March* 1333<sup>i</sup>. Here he acquainted

Anno Regni 7.

1333.

At York.

<sup>g</sup> Et que le Roi voloit prendre lavis du Pape et auxint du Roi de France, &c. Rot. Par. 6 Edward III.

<sup>h</sup> Tyrrel, Barnes, and Brady.

<sup>i</sup> On Monday in the second Week of Lent. *Walsingham*, p. 133.



K. Edward III. acquainted them with his Design of marching directly into Scotland in Person, to assist King *Baliol*, and reduce *Berwick* to his Obedience; which the whole Assembly readily agreed to. They gave their Opinion, ' That the King could no longer, with Honour, put up the Wrongs and Injuries daily done to him and his Subjects by the Scots; and therefore they humbly advised his Majesty to provide such Force of Men and Arms as might not only reduce *Berwick* to his Obedience, but also compel the King of Scots to seek his Peace, by rendering unto him the accustomed Homage for that Kingdom: And in this Enterprize they all promised to assist him in Purse and Person.'

To this Parliament King *Baliol* had been summoned, as holding of *Edward*; but he understanding that his Enemies had laid Wait for him in his Journey, durst not come; but sent a sufficient Excuse by the Lord *Beaumont* and others, declaring the Reasons of his Non-Appearance at that Time: The Apology was accepted by the King and Parliament<sup>k</sup>.

We shall refer our Readers to Mr. *Barnes's* History of this King's Reign, and the more general *English* Historians, for the Progress of this War. We need only say that *Edward* surpassed his Grandfather in the Rapidity of his Conquests; for in a very short Time he had over-run all *Scotland*, and soon after received *Baliol's* Homage to him, in a Parliament at *Edinburgh*, as Sovereign Lord of that Kingdom.

Anno Regni 8.

1334.  
At York.

[ 221 ]

*Edward*, at his Return into *England*, held another Parliament at *York*, which had been summoned to meet there *February* 21, 1334<sup>l</sup>. The chief Matters there enacted were, ' That the Great Charter and the Forest Liberties, and other good Statutes, should be duly observed; and what Clauses therein were obscure should, by good Advice, be explained: That there be one Justice of the Peace appointed in every County, who should act as Chief: That no Pardon be granted

' to

<sup>k</sup> Neither this Parliament or the next are entered on the Rolls; at least they are not in Lord *Weymouth's* Copy of them. There are a few blank Pages left betwixt the End of the Parliament *An. Reg.* 6 to 13, which seems as if they were designed for Insertion: However, in *Cotton's Abridgment of the Rolls*, there is an Abstract of the Parliament 8 *Edward III.*, from whence we copy our Account of it.

<sup>l</sup> Rot. Par. 8 *Edward III.*

*Scotland* regained, and King *Baliol* does Homage to *Edward*.

\* to any Outlaw, by any suggestive Means, but only K. Edward III.  
 \* by Parliament: That all Men may have their Writs  
 \* out of Chancery for only the Fees of the Seal, with-  
 \* out any Fine, according to the Great Charter and this  
 \* Maxim,

*Nulli vendemus Justiciam.*

Answer. *Such as be of Course shall continue so, and  
 such as be of Grace, the King will command the Chancellor  
 to be gracious.*

\* That Bigamy shall only be tried in a Court Chri-  
 \* stian: That Remedy be had against all Oppressions of  
 \* the Clergy for Probats of Wills, and Citations for  
 \* Trifles.

Answer. *The King will herein do his best, and charges  
 the Bishops to do the like.*

There were also several other Acts made in this Par-  
 liament <sup>m</sup>.

In the same Year, after a great Council held at Not-  
 tingham, a Parliament was summoned to meet at *West-* At Westminster.  
*minster*, on the Exaltation of *Holy Cross*, or the 14th of  
*September* <sup>n</sup>. The Choice of this Festival almost de-  
 clared the Occasion of the Summons; which was, 'That  
 \* the King being thereunto invited by his Cousin, the  
 \* Duke of *Bretaign*, who came lately on an Embassy  
 \* from *France*, had formed a Resolution to take a Voy-  
 \* age with his Brother of *France*, and other Christian  
 \* Princes, to the *Holy Land*. He told them the Reason  
 \* he had not answered King *Philip* before, when he ap-  
 \* plied to him for this Expedition, was, that he had learnt  
 \* the *French King* had fitted out ten great Ships, designed  
 \* to assist King *David's* Party in *Scotland*: Yet, as these  
 \* Ships had been miserably shattered at Sea, and were  
 \* forced to return home without any Effect, and also  
 \* that *Scotland* seemed pretty well settled under the Go-  
 \* vernment of King *Baliol*, he was the more willing to  
 \* partake with the rest of the Princes in this pious and  
 \* honourable Enterprize, though he had set no Time for  
 \* the doing of it.'

We cannot learn what Answer the Parliament gave The Scots revolt  
 to the King on this Declaration; but whether they again.  
 agreed

<sup>m</sup> See the Statutes at large, *sub hoc Anno*.

<sup>n</sup> This Parliament is not on the Rolls.

**K. Edward III.** agreed to this romantic Project, or not, it was frustrated by Advices out of *Scotland* which came at that Time, intimating that the *Scots* had again rebelled against King *Baliol*, had taken some *English* Lords Prisoners, and defeated their Forces. Upon this News the Parliament granted the King a Fifteenth from the Lords and Knights of Shires, a Tenth from the Clergy, and the like from the Citizens and Burgesses; after which the Parliament broke up °.

[ 222 ] The King soon turned all his Thoughts towards *Scotland*, and, coming to *Nottingham*, issued out Writs for calling a Parliament to meet at *York* about *Whitsuntide*, in the Year 1335, there to treat how to carry on the War against the *Scots*. What was done in that Affair we know not; for, at the Intercession of a Bishop sent by the *French* King for that Purpose, a Truce was granted for six Weeks. At this Parliament several more Statutes were enacted, very serviceable to the Peace and Welfare of the Realm P.

The Time of the Truce being concluded the *Scots* War began again, and continued with great Fury and various Success till the next Year; when, at a Parliament, or great Council, called at *Northampton*, June 25, the King received Advice that the *French* King had so far espoused the *Scots* Quarrel, as to engage himself to protect and assist them, and to that Purpose had sent over several eminent Commanders, with considerable Supplies of Men, Money, and Ammunition. *Edward* was not at all displeased with the News, because it gave him now a just Occasion to turn his Arms against *France*; and he hoped also that, as soon as ever the *French* and *Scots* were joined, they would give him Battle, which the latter had hitherto industriously avoided. Flushed with these martial Thoughts, *Edward* privately stole away from his Parliament, whom he left at their Debates, and with wonderful Expedition arrived at *St. Johnston*, in *Scotland*, where he found King *Baliol*

° *Knyghton* writes that *Edward Baliol* came to this Parliament, and did Homage to the King of *England* for the Realm of *Scotland*. Col. 2565. *Walsingham*, p. 134.

p See the Preamble and these Acts in the Statutes at large, An. Reg. ° *Edward III.* 1335.

*Baliol* ready at the Head of the Forces of both Na-K. *Edward III.* tions 9.

Here we are obliged again to leave this warlike King to his Conquests, having no Business with him but in his cooler Hours of Parliamentary Councils; and as great Part of his long Reign was spent in the *Scots* and *French Wars*, less Matter will accrue to us to relate, but much more to the general Historians of the Times. [ 223 ] However, having again ravaged all *Scotland* over, from Sea to Sea, and finding nothing to resist him, he returned into *England* 1, to a Parliament, or Council, which met at *Nottingham*, Sept. 25, this Year. Here *Edward* obtained a new Grant to carry on his Wars in *Scotland* and *Gascoigny*, of a twentieth Part from the Nobility and Gentry, a Tenth from the Citizens and Burgeesses, and a Sixth from the Clergy: Besides, the Merchants of *England* were taxed to pay 40s. a Sack for all Wooll transported, and Foreigners 3l. 2.

The next Year we find that a real Parliament was summoned to *Westminster* about *Candlemas* 1337 1. It was here enacted, 'That no Wooll of *English* Growth should be transported beyond the Seas; and that all Cloth-Workers should be received from whatever foreign Parts they should come, and fit Places should be assigned them, with divers Liberties and Privileges, VOL. I. Q

1 The Writ for constituting *John* Archbishop of *Canterbury*, then Chancellor of *England*; *Henry* Bishop of *Lincoln*, Treasurer; *John* Earl of *Cornwall*, the King's Brother, his Substitutes to hold this Parliament, or Council, as it is here called, in the King's Stead, is dated at *Newcastle upon Tyne*, June 20, 1336. *Rymer's Fæd.* Tom. IV. p. 701.

2 Et cum neminem invenisset impediendum, reddit apud *Nottingham*, ubi concessa est Regi nova Contributio, &c. *Knyghton*, col. 2568.

3 This Meeting is not on the Rolls.

4 The Writ for summoning *John* Archbishop of *Canterbury* to this Parliament, declaring the Reason to be. because the Pope had sent two Cardinals into *England* to treat of a Peace, &c. is in the *Public Acts*, Vol. IV. p. 832. By this it appears that the Meeting was appointed to be the Day after *Candlemas*, and was dated at *Westminster*. December 20.

*Polydore Vergil* mentions an Act passed this Parliament, not taken Notice of by any other Historian; his Words are, *Post hæc et alia multa ex Reipublicæ usu constituta, placuit providere ne Opes quæ Mercium Usu in Dies singulos in Insulam inferebantur, aliquando dissiparentur, itaque Lege exceptum est ut nemini Homini neque Anglo neque Externo liceret in posterum Tempus Aurum, Argentum calatum sive signatum, de Regno in Continentem exportare. Quo Factum est ut Mercatores extranei Mercum suarum pretia coacti sint in alias Mercedes inferre. Decretum ipsud etiam nunc servatur, perpetuum uti Regno utitur ab aliis qui secuti sunt Regibus.* Lib. xix. p. 365.

At *Nottingham*

1337.

At *Westminster*

The first Acts for the Encouragement of Woollen Manufactures at home.



K. Edward III. 'and that they should have a certain Allowance from the King, till they might be fixed in a Way of living by their Trade.'

[ 224 ] It was also ordain'd, 'That none should wear any Cloaths wrought beyond Sea, or hereafter to be imported, except the King, Queen, and their Children : ' Also, ' That none should wear foreign Furs or Silks, unless he was worth one hundred Pounds annual Rent.' Mr. *Tyrrel* observes here, ' That tho', for the present, these and such-like good Laws, made by this King and Parliament, took little or no Effect, by reason of the ensuing *French Wars*, yet, by Degrees, they revived the Woollen Manufacture after it had been lost for many Years to this Nation ; from which Time it hath still increased, to the general Advantage of the whole Kingdom <sup>r</sup>.'

Besides taking Care of the great Interest of the Nation, in the abovesaid Particulars, the King was minded to reward past Services, and therefore several new Honours and liberal Grants were conferred on those Noblemen who had served him faithfully to that Time. Accordingly, in full Parliament, the King created his eldest Son Prince *Edward Duke of Cornwall*, being the first that ever wore that Coronet in *England* : And six Earls, *Henry of Lancaster*, Earl of *Derby* ; *William Montacute*, Earl of *Salisbury* ; *Hugh de Audley*, Earl of *Gloucester* ; *William Clinton*, Earl of *Lincoln* ; *William Bohun*, Earl of *Northampton* ; and *Robert Ufford*, Earl of *Suffolk* <sup>s</sup>.

The

<sup>r</sup> *Tyrrel's History of England*, Vol. III. p. 395.

The Art of Weaving Woollen Cloth had been brought from *Flanders* into *England* by one *John Kempe* some Years before ; to whom the King granted his Protection, and at the same Time invited over Fullers, Dyers, &c. *Fæd. Ang.* Tom. IV. p. 496.

The *English* had then Plenty of Wooll, but no Skill to employ it. Wherefore, as by this Act, Encouragement was given to such as had Skill, but no Stock, to come out of *Flanders* and settle here ; so, accordingly, many, glad of this Opportunity to advance their Fortunes, came into *England* and settled in great Farmers Houses at first, and after removed into Towns, from whence several Sorts of Woollen Manufactures were made amongst us ; as, at *Sudbury*, Bays ; at *Colchester*, Says and Serges ; in *Kent*, Broad Cloths ; in *Devonshire*, Kerfies ; in *Wales*, Frizes ; in *Westmoreland*, *Kendal* Cloths, &c. *Kennet*, on *Sam. Daniel's Hist. of Eng.* p. 215 ; Note (a).

See also an Order for erecting Looms at *Bristol*. *Fæd. Ang.* Tom. V. p. 137.

<sup>s</sup> All these Creations, with the Grants of several Lordships, Castles, Rents, &c. for the better Support of these new Dignities, are largely treated of in *Barnes's Edw. III.* p. 112, 113. This Writer from *Knyghton*, col.

The *French War* comes now upon the Tapis, in our K. Edward III. Historians, and does so employ their Heads and Pens, in the descripti<sup>o</sup>nal Part of Battles, Sieges, &c. that it is difficult to sift out a Parliamentary Proceeding amongst them: However, we may judge that *Edward* thought it necessary, before he entered upon this grand Design, to raise Money for that Purpose; and accordingly a Parliament was summoned to meet this same Year, about Anno Regni 114 *Michaelmas* <sup>1337.</sup>, at *Westminster*, where his Intention of going over into *France* was declared. The whole Nation was then very hearty in the Cause, and their Representatives cheerfully contributed towards it. The Laity granted a Tenth Penny from the Community, and a Fifteenth from the Citizens and Burges<sup>s</sup>ses. The A Supply raised for the War against France, Clergy were not backward in the Matter, for the Archbishop of *Canterbury* and his Convocation gave a Tenth of their Temporalities for three Years.

Some further Regulations were made in this Parliament for the Encouragement of the Woollen Manufactory; where it was enacted, That all *Flemish* Weavers, and those of other Countries, should have free Liberty to come over to inhabit in *England*, and exercise their Trade. From whence, Mr. *Tyrrel* again observes, 'That, even in those Times, the coming of Foreigners into *England*, who brought over with them any useful Trade or Manufacture, was encouraged by a Law.'

The last Parliamentary Aids granted to the King being not thought sufficient for the mighty Affair he was about to undertake, another was called, early the next Spring, which met at *Westminster*, Feb. 3, 1338. Here the Laity granted to the King one Half of their Woolls, throughout the whole Realm, for the next Summer. He also levied of the Clergy the whole Tenth, causing them to pay nine Marks for every Pack of the best Wooll; but one Half he took of all Persons, whether Merchants or others, according to the aforesaid Grant; and he took also a Fifteenth of all the Commonalty in

Q 2

the col. 2569, has also added another Earl, the Lord *Hugh Courtney*, an old Soldier, near Fourscore, made Earl of *Devonshire*. Twenty Knights were also then created, amongst whom, says *Speed*, was Sir *Thomas de la More*, the Author of a History of his own Times, often quoted by Historians.

<sup>t</sup> Sept. 27. Statutes at Large, An. 1337.

<sup>u</sup> *Tyrrel*, Vol. III. p. 399.

K. Edward III. the Realm, in Wooll, the Price of every Stone, at fourteen Pounds the Stone, being rated at two Shillings <sup>w</sup>.

[ 226 ]

The King also issued out a Commission for seizing upon the Estates of the *Lombard* Merchants, then in *London*, who, by reason of their Extortion in Usury, were become odious and a public Grievance to the Nation. All their Jewels, ready Money, &c. were to be delivered to the Constable of the Tower, to be kept for the King's Use. About the same Time he seized into his Hands the Goods and Revenues of all Alien and Foreign Priories, especially of the *Cluniac* and *Cistercian* Orders; which were immediately let out to farm to those Monks, who paid a sufficient Rent for them during these Wars <sup>x</sup>. The Woolls which were gathered for the King's Use were sent into *Brabant*, amounting to 10,000 Sacks, under the Direction of two Noble Merchants, the Earls of *Northampton* and *Suffolk*, who sold the same in *Upper Germany* for 40*l.* a Sack, amounting in all to 400,000*l.* *Sterling*<sup>y</sup>, making it evident from hence that the Nobility in those Days thought it no Disgrace to be Traders for the Good of their Country.

[ 227 ]

By these Means the King became exceeding strong in the Sinews of War, but the Country was thereby so exhausted

<sup>w</sup> *Hollingshead's Chron.* from *Caxton*, p. 354.

*Rapin*, and his Annotator *Mr. Tindal*, blunder so backwards and forwards with their Parliaments about this Time, that there is no making any Thing of them; the Annotator places the King's Commission against the *Lombard* Merchants at the Beginning of the last Year. P. 417.

<sup>x</sup> *Mr. Daniel* has also made an odd Mistake here. He writes that the King seized into his Hands the Goods of three Orders of Monks, *viz.* *Lombards*, *Cluniacs*, and *Cistercians*; and his Annotator, *Bp. Kennet*, gravely says, [at the Note (*b*), p. 215] 'That these were Cells to the Great Monasteries in *France*. But where either of them found the Religious Society of *Lombards*, in *England*, we know not. It is certain these *Lombard*, or *Italian*, Merchants, by the Account given of them, were of no Religious Society.—From hence is deriv'd the Name of *Lombard-street*, *London*, where, probably, they all dwelt.

<sup>y</sup> *Joshua Barnes*. But *Knyghton*, with more Probability, says, That the Woolls were sold for twenty Pounds a Sack, and the Money was disposed of to pay for the Levies then making in *Germany*. The same Author has joined *Henry de Burghwast*, Bishop of *Lincoln*, to the two Earls, as another proper Merchant for this Purpose. Col. 2570.

It seems also that the King raised Money another Way, for he took from every County a certain Quantity of Bread-Corn, Oats, and Bacon, of each Town according to the Largeness of them. He also took the rich Vestments, Silver Plate, and other Ornaments from the Abbies, &c. in order for this foreign Expedition. From which, says the Canon of *Leicester*, arose great Clamour amongst the People, and Mischief would have ensued if the King had not been guided by better Counsel. *Knyghton*, col. 2751.

hausted of Money, that Victuals and other Commodities K. Edward III. became very cheap. A Quarter of Wheat was sold at *London* for 2*s.* a fat Ox for 6*s.* 8*d.* a fat Goose for 2*d.* and six Pigeons for 1*d.* On the 16th of *July*, this Year, King *Edward* embarked at *Harwich*, with a Royal Navy of 500 Sail, accompanied with many Earls, Barons, &c. to the Number of twenty of the chief Nobility of the Kingdom, (all named by *Barnes*) and, in a short Time after Landing, he arrived at *Antwerp*, belonging then to the Duke of *Brabant*; and whilst he resided there People came flocking from all Parts to observe the Magnificence and Splendor of the *English* Court.

We now take our Leave of this great King for some Time, our History strictly confining us to Matters on this Side the Water; and, since his Actions and Conquests in *France* are abundantly described by all Writers of *English* or *French* History, we have less Occasion to mention them in ours.

Whilst the King was absent in *Flanders*, the young Prince *Edward*, Duke of *Cornwall*, as Guardian of the Kingdom, by Commission from his Father, called a Parliament to meet at *Northampton*. The Writs were dated *August* 25, and the Meeting was appointed to be fifteen Days after *Michaelmas* following <sup>b</sup>. Here was granted such an Aid as never had been given to any King before; and shews how well this King, and the Cause he was engaged in, was relished at that Time by his Subjects. Upon every Town a Tax was laid of a twentieth Part of their Goods, where the Value amounted to 20*s.* He had also granted him all the Wooll in the Kingdom, to be bought at a low Price; which must needs amount to a vast Proportion, since only the three Counties of *Leicester*, *Lincoln*, and *Northampton*, afforded no less than 1211 Sacks of Wooll. The Bishops, Abbots, Priors, Rectors, Vicars, Justices, and the Noblemen, &c. who held of him in *Capite*, and went not with him to the Wars, were taxed, some 100, others 200*l.* a-piece, according to their Estates and Abilities. At a Convention, also held the first of *October*, a Tenth was granted from the Clergy for two Years to come <sup>c</sup>.

Anno Regni 129  
1338.

At Northampton.

[ 288 ]

Q 3

Though

<sup>b</sup> *Knyghton* says that this Parliament was held in *July*, in *Crasino* S. Jacobi. Col. 2571.

<sup>c</sup> *Knyghton*. Col. 2571.



**K, Edward III.** Though there are not any of these latter Parliaments entered on the Rolls, yet the near Contemporary Historians mention them as Facts, and are particular enough in their Accounts of them. It is probable, in the King's Absence, who carried with him most of the principal Officers of the Crown, the Clerks were more negligent in their Duties. This might very well be, when the greater Ministers of the Law took that Opportunity to neglect their several Functions; and, instead of administering Justice to the Subject, set themselves solely upon robbing and plundering them; of which an ample Account will be given in the Sequel. The young Duke of Cornwall, Guardian of the Realm, being but then ten Years of Age, called another Parliament to meet at *Westminster*, having received an express Commission for it from his Father. On the 13th of *October* they met, and a further Aid was demanded to carry on this important and expensive War.

Anno Regni 13.  
1339.  
At Westminster.

The Proceedings of this Parliament are entered at large on the Rolls<sup>i</sup>, both of the first and second Meeting of it, and an Abstract from which is as follows:

At the first opening, the usual Proclamation was made in the Great Hall at *Westminster*, and in the City of *London*, against wearing of any Kind of Armour, or Weapons; of which some strange Particulars are mentioned<sup>k</sup>. The Business begun by declaring the Causes of this Meeting, which were said to be three, *viz.* For the better keeping of the Peace, for the Defence of the Marches of *Scotland*, and for guarding the Sea. But these were only Pretences; the main Design of calling this Parliament was to get Money; for the Archbishop of *Canterbury*, the Bishop of *Durham*, and Sir *Michael de la Pole*, were sent by the King, then in *France*, to shew the Lords and Commons, 'What he had done beyond 'Sea, with his Condition there, and the Mischiefs that 'had befallen him and his Followers, for Want of Supplies from *England*. That he and others, who were 'with him, were entered into Obligations for 300,000*l.* 'Sterling, and more, towards the Charge of his Auxiliaries, and that he could not handsomely march from 'thence without giving his Creditors Satisfaction. Lastly,

<sup>i</sup> Rot. Par. 13. Edw. III.

<sup>k</sup> Armez Daketoun, ne de Plate, ne de Haubergeon, ne de Espeie, ne a long Cotel, ne outre Arme suspect, &c.

‘ for this Cause, and for the Maintenance of him and K. Edward III.  
 ‘ his Quarrel, which was undertaken by the common  
 ‘ Consent of them all, and that the Business he came  
 ‘ about might be the more effectually done, he ought to  
 ‘ be supplied with a very large Sum <sup>d</sup>.

This Remonstrance was answered effectually, for the A farther Grant for the same Purpose.  
 Aid granted by this Parliament was as large as the King’s  
 Demands. The Nobility immediately gave him every

tenth Sheaf, Fleece, and Lamb of their Demesnes, except of their Bond-Tenants, to be paid for two Years <sup>e</sup>; desiring, at the same Time, that the illegal Duties set upon Wooll should be revoked, and that this Grant should not turn into a Custom <sup>f</sup>. The Commons, tho’ they declared themselves very forward and willing to assist the King, yet prayed the Regent, ‘ That he would  
 ‘ summon another Parliament in a convenient Space, for  
 ‘ they durst not grant any Tax till they had taken the  
 ‘ Sense of their Constituents about it <sup>g</sup>, desiring likewise  
 ‘ that two Knights of the best Estates, in their several  
 ‘ Counties, should be chosen in that Parliament.’ Accordingly Writs were issued out, dated *November 16*, for another Parliament to meet the 10th of *January* following.

[ 229 ]

Prince *Edward*, being called over by his Father to *Antwerp*, six Commissioners were appointed to hold the ensuing Parliament in his Stead. The Particulars of this Parliament, with their Proceedings, are so exactly described by Mr. *Barnes*, wherein the great Care which they took of the Kingdom in their Monarch’s Absence will evidently appear, that we think proper, though somewhat long, to give it in his own Words as follows; especially since we have compared them with the Rolls of Parliament.

‘ When the Time of the next Session of Parliament Anno Regni 14<sup>o</sup>  
 ‘ approached, there were appointed to preside in it *John* 1340.  
*Stratford, At Westminster.*

<sup>d</sup> As his Expences were very great, so the King endeavoured, during that Time, to borrow Money of all the foreign Princes. He did not scruple even to apply to private Persons, and take up such Sums as they were willing to lend, though ever so small: Nay, he pawned his Crown to the Archbishop of *Triers* for 50,000 Florins. *Rymer’s Aet. Pub. V. p. 101.*

<sup>e</sup> *En le manere quele ils les donent a seinte Esglise*, Record P.

<sup>f</sup> These illegal Duties, imposed by the King and Council without Parliament, called *Maia Tollia*, or *Maltolt*, are mentioned before. See p. 107, 121.

<sup>g</sup> *En ce cas ils noserent assentir tantqils eussent conseiller les Communes de leur Pays, &c.* Record P.

K. Edward III. ‘*Stratford*, Archbishop of *Canterbury*, Lord Chancellor; *William de la Zouch*, Archbishop of *York*, Lord-Treasurer; the Dean of *York*; Sir *John Willoughby*, Deputy Lord Chief-Justice; Sir *John Stonore*, Justice of the King’s Bench; and Sir *John St. Paul*; any four, three, or two of these were, by the King’s Letters Patent, appointed to begin, continue, and end the Parliament, for, and in the Name of, the King, and the Lord Warden of *England*; and there to do all Things which the said Guardian should do, untill his or the King his Father’s coming. The Commission began, *Edvardus D. Gr. &c. Filio nostro charissimo, Guardiano de Angl.* and ended, *Teste, Edvardo Duce Cornubiæ et Com. Cestr.*

Regulations  
made by Parlia-  
ment, for the  
Security of the  
Nation during  
the King’s Ab-  
sence;

[ 230 ]

‘ These Commissioners aforesaid caused sundry of the Lords and Commons to assemble in the Presence Chamber; before whom, because several of both Houses were not yet come, they continued the Parliament, from Day to Day, till the 20th of *January*, during which Time Merchants, Owners of Ships, and Mariners, did attend. The Causes of assembling the Parliament were declared to be for granting the King an Aid, for keeping of the Sea, and for Defence of the North Marches: Hereupon the Commons required Time to consider thereof till the 19th of *February*; and then they unanimously offer’d to the King for Aid 30,000 Sacks of Wooll, on certain Conditions. But for the better Expedition, after some Debate, they yielded to give the King presently 2500 Sacks of Wooll; so as, if the King liked the Conditions aforesaid, the same should go in Part of Payment; if not, they were freely offered unto him. The Lords promised to send unto the King to know his Pleasure, and, in the mean Time, they also, for their Parts, grant, that such of them, or of their Peers, as held by a Barony, should give to the King the Tenth of their Grain, Wooll, and Lamb, of all their own Demesnes <sup>h</sup>.

‘ The Mariners of the *Cinque Ports* promised to make ready their Ships before *Midlent*, viz. Twenty-one  
‘ Ships

<sup>h</sup> We do not find that the Clergy gave any Thing at this Time, and *Polydore Vergil* has made an odd Sort of an Excuse for it, *Tributum statim cuncti solverunt, præter Sacerdotes, quibus parsum est quo alias illi amplius erogarent Pecunias*, Lib. xix, p. 369.

‘ Ships of their own, and nine of the *Thames*, and to *R. Edward III.*  
 ‘ bear Half the Charges themselves ; the other Half the  
 ‘ Privy Council promised to bear of their own Good-  
 ‘ Will to their King and Country ; but not of Duty,  
 ‘ or that it should stand for a Precedent. The Mariners  
 ‘ of the West promised to set forth ninety Sail, and ten  
 ‘ Ships of the Burden of 100 Tons or more, and to  
 ‘ bear the whole Charges, if they could. Two sufficient  
 ‘ Scholars were appointed to compute the Charges, the  
 ‘ one for the West, and the other for the *Cinque Ports*.  
 ‘ It was here ordered, That all Ships of *Portsmouth*, and  
 ‘ from thence towards the West, of the Burden of 100  
 ‘ Tons, or upwards, should ride at *Dartmouth* ; the  
 ‘ Admiral to be *Richard Fitz-Alan*, Earl of *Arundel* :  
 ‘ And that the Ships of the *Cinque Ports* and the *Thames*, [ 231 ]  
 ‘ being of that Burden, should ride at *Winchelsea* ; the  
 ‘ Admiral to be *William Clinton*, Earl of *Huntingdon* ;  
 ‘ the whole Fleet to be ready before the End of *Lent*.  
 ‘ Command was given to the Admirals to stay all other  
 ‘ Ships which might pass the Seas, and to warn them  
 ‘ to go into safe Harbours ; and to furnish this Fleet with  
 ‘ Soldiers, beside those whose Duty was to attend, and  
 ‘ also those who were prest, general Proclamation was  
 ‘ ordered to be made, That all Persons who had received  
 ‘ of the King Charters of Pardon, should now repair to  
 ‘ the Sea-Coasts for the King’s Service, on Pain of for-  
 ‘ feiting the same <sup>i</sup>.

‘ The Lord *Richard Talbot* having, in Parliament,  
 ‘ undertaken for the Security of the Town of *Southamp-*  
 ‘ *ton*, was appointed Captain of the Town, and allowed  
 ‘ for that Service twenty Men of Arms, and one hun-  
 ‘ dred Archers extraordinary at the King’s Wages, and  
 ‘ more upon Occasion. All which Soldiers to have one  
 ‘ Month’s Pay before-hand, and Sir *Richard* 100 *l.* by  
 ‘ Way of Gratuity ; being also appointed to see the said  
 ‘ Town forthwith fortified, according to Covenants in  
 ‘ a Pair of Indentures ; and to levy the Charges on the  
 ‘ Neighbours bordering thereabouts ; and, if that shall  
 ‘ not suffice, on the Inhabitants. The Bishop of *Win-*  
 ‘ *chester*,

<sup>i</sup> See *Knyghton* for the Guards to the Sea Coasts.

See the *Statutes at large* for all these Subsidies. *An. Reg. 14. Edw. III.*



K. Edward III. ‘*chester, Adam de Orleton*’, the Prior of *St. Swithins*,  
 ‘and the Abbot of *Hyde*, were ordered to keep at their  
 ‘Manors near *Southampton*, with all their Powers, to  
 ‘be ready to assist the said Sir *Richard* at his Call; and  
 ‘that all the Inhabitants should remain still upon the  
 ‘Place to defend the same, on Pain of losing all they  
 ‘had. Sir *Richard* was to have all the Ammunition  
 ‘and Warlike Furniture of the same Town, to be de-  
 ‘livered into his Hands by Indenture; the Sheriff of  
 ‘*Southampton* having a Writ of Attendance on him for  
 [ 232 ] ‘Victuals and other Necessaries; and two Serjeants at  
 ‘Arms were to provide Timber.

‘Thus much for the Sea and the Coasts. As to the  
 ‘Marches of *Scotland*, two Merchants of *Lynn-Regis*,  
 ‘and two others of *Barton upon Humber*, undertook to  
 ‘deliver 10,000 Quarters of all Kind of Grain at the  
 ‘Town of *Berwick*, and in the Road of *Leith*; every  
 ‘Quarter of Wheat and Malt at 9 s. and Oats, Beans,  
 ‘and Pease, at 5 s. To which there was added a Caution,  
 ‘that, under Colour of this Licence, they should not serve  
 ‘the King’s Enemies. Sir *Thomas Rokeby* took upon him  
 ‘the Defence of the Castles of *Edinburgh* and *Stirling*.

‘To preserve the *Isle of Wight*, the Inhabitants there-  
 ‘of, during the War, were respited the Payment of any  
 ‘Aid to the King; and that none of them should, by  
 ‘any Means, be dispensed with to travel abroad, or to  
 ‘absent themselves out of the said Isle; nor should be  
 ‘impannelled, or warned at any Assize, or Inquest, du-  
 ‘ring the said War: And that due Provision be made  
 ‘of Wine, Grain, Coals, and other Necessaries for the  
 ‘Castle of *Carisbrook*.

‘Sir *John Ferrers*, Captain of *Jersey* Island, was now  
 ‘appointed to send thither a sufficient Deputy, to whom  
 ‘like Rules were set, and Provision allowed for De-  
 ‘fence of the same.

‘On the Back-side of this Roll are seen the Numbers  
 ‘of such Soldiers as were arrayed, and set out by certain  
 ‘Nobles, Knights, and Gentlemen of the Counties of  
 ‘*York*, *Nottingham*, *Derby*, *Lancaster*, *Westmoreland*,  
 ‘and *Cumberland*, by their particular Rates; which, in  
 ‘the whole, amounted to 7400 Men of Arms, 200  
 Archers

§ Who, tho’ principally concerned in the Murder of King *Edward II.*  
 yet, like a true Courtier, had played his Cards so well as to be translated to  
 the rich See of *Winchester* by his Son, *Edw. III.* See before, p. 179. 196.

' Archers on Horseback, and 2000 Halbardiers. Those K. Edward III.  
' of the three first-named Counties were ordered, at the  
' Costs of the Country, only to march to *Newcastle* upon  
' *Tyne*; and they of *Westmoreland*, *Cumberland*, and *Lan-*  
' *caster*, to *Carlisle* only. And the Captains and others  
' being together to lie and forage upon *Scotland*, and not  
' upon the Marches of *England*.' [ 233 ]

No sooner had King *Edward* carried his Con-  
quests so far as to assume unto himself the Style and Who assumes the  
Stile and Arms  
of France.  
Arms of *France*, but he caused his Great Seal to be  
changed, and added the *Fleurs de Lis* of *France* to the  
*Lions* of *England*. Finding it necessary for his Affairs  
to return into his own Country, to raise more Money  
on his Subjects, he called a Parliament immediately af-  
ter, when the Writs of Summons, directed to all the  
Sheriffs in *England*, were sealed with his New Broad  
Seal. They were dated at *Harwich*, Feb. 21, being the  
very Day of his Landing <sup>h</sup>.

On the 29th of *March* next following the King met  
his Parliament at *Westminster*; and it appears by the Anno Regni 14.  
1340.  
At Westminster.  
Date of the Writs that, in Case of absolute Necessity, a  
Parliament might be then called within less than forty  
Days, tho' the Usage is otherwise now. The Cause of  
their Summons was declared to be, ' For granting him  
' a great Aid, or else he should be for ever dishonoured,  
' and his Lands, as well on this Side as beyond the Sea,  
' in great Danger, if he should lose his Allies. That  
' he was in his own proper Person obliged to return  
' to *Brussels*, and stay there as a Pledge, untill the  
' Sum he was engaged for was all paid. But, in case  
' he might have a sufficient Aid, all these Mischiefs  
' would be prevented, and his Design, by the Help of  
' God, have a good Issue.' Wherefore, at the King's  
Request, the Parliament having Regard to his Declara-  
tion, granted him the ninth Sheaf, Fleece, and Lamb,  
and the Citizens and Burgessees the ninth Part of all their  
Goods and Chattels, according to the true Value, for  
two

<sup>h</sup> Rymer's *Fœd. Ang.* Tom. V. p. 170. In the Writ is this extraor-  
dinary Clause, *Non Mirantes quod Stylum nostrum consuetum mutavimus, et*  
*Regem Francie nos facimus nominari; nam diversæ subsunt Causæ, per*  
*quas hoc facere necessario nos oportet, et quas vobis et aliis Prælati et Mag-*  
*natibus, necnon Communitatibus ejusdem Regni nostri Angliæ ad dictum Par-*  
*liamentum, plenius exponemus.*

*Lan de jou Regned' Angleterre quatorzisme et de Fraunce primer. Record.*

Another Supply  
voted for com-  
pleating the Con-  
quest of *France*.

K. Edward III. two Years next coming. They also granted a Fifteenth on all foreign Merchants that did not reside in Cities and Towns; likewise upon those People that dwelt in Forests and Wastes; and upon all those that lived by labouring at Husbandry; Beggars, Cottagers, and Slaves, only excepted: Upon Condition that the King would consent to enact and establish, that from thenceforth no Custom should be taken for one Sack of Wooll but half a Mark; and of Lead, Tin, Hides, Leather, or Wools, nothing but the antient Custom. Yet, notwithstanding they made this Request to the King, this Parliament unanimously granted him, of every Sack of Wooll 40 s. of every Last of Leather 4 l. of every three hundred of Wooll-fells 40 s. and of every other Sort of Merchandize, to be exported, according to their Weight or Measure; to commence at *Easter* this Year, being the Fourteenth of the King's Reign, to *Whitsuntide* in the Year ensuing. From which last Date, and forwards, the King granted that neither he nor his Successors should desire, take, nor permit to be taken, more than two Marks for Custom on a Sack of Wooll, belonging to the *English*; and of Skins, Leather, and other Merchandizes, according to antient Custom. Our Author<sup>i</sup>, who is very expressive in these Taxations, goes on and writes, that a Sack of Wooll ought to weigh 26 Stone, every Stone being 14 Pounds; and that every *Englishman* or *Foreigner*, going out of *England* into foreign Parts, should find good and sufficient Security for the Payment of these Customs, before his going abroad, viz. That he should bring back with him a Piece of Silver or Gold Plate to the Value of two Marks, for each Sack of Wooll, and so for other Merchandize, as aforesaid, at his Return. The same Piece of Plate to be carried to the King's Exchange<sup>k</sup>, there to receive the Overplus of it in coined Money. For this extraordinary Grant to the Crown, the King, on his Part, adds our Authority, granted many Things for the Ease of the Public; as, pardoning Offenders in Forest Laws, giving Felons' Goods, and many other Matters, as are contained in a Charter made for that Purpose. The Clergy also granted the

<sup>i</sup> *Knyghton*. Col. 2576.

<sup>k</sup> *Knyghton's* Words are here, *Ad Escambium Regis*, which we suppose was the Exchequer, or Mint; and that this Law was made in order to encourage Plate or Bullion to be brought into the Kingdom.

the King a Tenth in their Convocation held at *London*, K. Edward III. October 1, for three Years; and that the Tenth of the present Year should be paid in a shorter Time than was appointed: But they flatly denied to give their Woolls, as the Laity had done to their no small Damage; for that Commodity rose to double the Value in a very short Time <sup>1</sup>.

[ 235 ]

Another Historian <sup>m</sup> is still more particular in the King's Concessions; and, after saying that, besides these Supplies, the King, for his present Occasions, borrow'd of divers wealthy Persons what Sums they could spare, and that the City of *London* lent him 20,000 Marks <sup>n</sup>, he adds, 'That, in Consideration of these Grants and Contributions, the King, besides his Pardons to divers Kinds of Offenders, remitted all Amerciaments for all Transgressions in his Forests, Reliefs, and Scutage, unto the first Time of his going into *Flanders*; besides all Aids for the Marriage of his Sons and Daughters during his Reign: Pardoning and remitting all antient Debts and Arrearages, both of his Farmers and others, any ways due, both in the Time of his Ancestors and his own, 'till the 10th Year of his Reign, excepting such as were compounded for, and ordered to be paid into his Exchequer.' And now, likewise, he confirm'd *Magna Charta*.

Edward having styled himself King of *France*, and altered his Arms, his *English* Subjects thought themselves in Danger of becoming a Province to *France*, as being the greater Kingdom; the Lords and Commons therefore besought him, 'That they might be bound to obey him only as King of *England*; and that this Nation should not be put in Subjection to him as King of *France*.' The King, to give his Subjects entire Satisfaction in that Matter, and to remove their Jealousy, gave this Parliament his Letters Patent of Indemnity; which, being singular in their Nature, we shall give, translated from the *Latin* Original, as follow <sup>o</sup>:

The Parliament petition the King that he would not make *England* a Province to *France*.

EDWARD

<sup>1</sup> *Hollinghead's Chron.* from *Adam Myrimuth*, p. 355.

<sup>m</sup> *Samuel Daniel*, in *Kennet*, p. 216.

<sup>n</sup> *Fabian*, in his *Chronicle*, has given us the Manner how this Money was raised through the several Wards of the City, and the Names of the Lenders. This Loan was to be repaid out of the Money arising from the aforesaid Grant. *Fabian's Chron.*

<sup>o</sup> It was also made into a Statute. See *Statutes at large*, Anno 1341.

The Original is not on the Rolls, only the Preamble to it.



K. Edward III.

[ 236 ]

EDWARD, by the Grace of God, King of England and France, Lord of Ireland, to all those who these Letters shall hear or see, Greeting.

The King's Declaration that England should still continue independent.

**K**NOW ye, that whereas some People do think that, by reason that the Realm of France is devolved unto us as right Heir of the same, and forasmuch as we are King of France, our Realm of England should be in Subjection to the King and Realm of France in Time to come; we, having Regard to the Estate of our Realm of England, and, namely, that it never was, nor ought to be, in Subjection, nor in the Obeisance of the Kings of France, which for the Time have been, nor of the Realm of France: And, willing to provide for the Safety and Defence of the said Realm of England, and of our Liege People of the same, do will and grant, and establish for us and for our Heirs and Successors, by Assent of the Prelates, Earls, Barons, and Commons of our Realm of England, in this our present Parliament summoned at Westminster, the Wednesday next after the Sunday in Midlent, the 14th Year of our said Reign of our Realm of England, and the first of France, that by the Cause or Colour of this, that we are King of France, and that the said Realm to us pertaineth as aforesaid; or that we cause ourselves to be named King of France in our Style, or that we have changed our Seals or our Arms; nor for Commands which we have made, or hereafter shall make, as King of France, neither our said Realm of England, or the People of the same, of what Estate or Condition they be, shall, in any Time to come, be put in Subjection, or in Obeisance of us, nor of our Heirs nor Successors, as Kings of France as aforesaid, nor be subject, nor obedient; but shall be free and quit of all Manner of Subjection and Obeisance aforesaid, as they were wont to be in the Time of our Progenitors, Kings of England, for ever.—In Witness whereof, &c.

[ 237 ]

Mr. Tyrrel has an ingenious Observation on some further Transactions in this Parliament: He takes Notice, 'That since the Aids given in the last Parliament were not duly answered to the King by those who had the Care thereof, certain Persons were appointed to take the Accounts of Sir William de la Pole, Sir John Char-nel, and others, who had received the Money and  
' Wool

‘Wooll formerly given, and they had a Day assigned K. Edward III. them to produce their Accounts; and in the mean Time several Noblemen and others became bound for the Accountants, that they should answer for what they had received. This deserves our Notice, adds he, because it is the first Example that we can find, that any Money given in Parliament was by them ordered to be accounted for to Persons appointed by themselves.’

There was little else material done in this Parliament, except that the Marquis of *Fuliers*, who had done *Edward* great Service in *France*, was created Earl of *Cambridge*, with a Pension of 1000 l. a-year.

And as we have compared the before-related Particulars, taken from antient and modern Historians, with the Rolls of Parliament, and found them right, the greatest Credit may be given to them.

In a small Time after the last Parliament the King prepared a great Fleet, in order to meet a large one which the *French* had fitted out, and beat them at Sea, if he could, as well as at Land. With these the King went in Person, and set Sail from hence *June 22, 1341*; but before he went signed a Commission to the Duke of *Cornwall, &c.* to hold a Parliament on the 7th of *July* following at *Westminster*; which being met, the Archbishop of *Canterbury* declared the Reasons for calling this Parliament to be, ‘*First*, To consult what further Course was best for the King and his Allies to take against *France*. *Secondly*, To provide for the common Peace, and how to keep good Order at home. *Thirdly*, To take Care for the Defence of the Northern Parts. *Fourthly*, For the Dominion at Sea. *Fifthly*, How to answer to the King the Subsidy last granted him P.’

On the next Day, being *Thursday*, the great Victory which the King had lately obtained at Sea was openly declared in Parliament, and it was moved by the Chancellor, ‘That, to go on so as to perfect these happy Beginnings, he must be further enabled with great Supplies of Money: That the King desired their Advice how it might be raised with the least Grievance to his People.’

Farther Grants  
for the French  
War.

P On the Rolls this and the last Parliament are divided into *Partes prima et secunda*; by which it should seem that they were one and the same Parliament, and yet they both begin with the same Formalities.

K. Edward III. 'People.' The Answer to this was postponed till *Saturday*; at which Time the Lords and Commons granted the King, as in the last Parliament, the Ninth of their Corn, Wooll, and Lamb, and many other useful Provisoës were made for answering the same.

[ 238 ]

The same Day came the Earls of *Arundele* and *Gloucester*, with Sir *William Trussell* <sup>1</sup>, from the King, with Letters signed with the Privy Seal, and directed to the Lords and Commons in Parliament assembled; purporting his great Naval Victory near the Port of *Swyn*, or *Sluys*, and pressing for a speedy Supply of Money to carry on the War this Summer with Vigour.

In Obedience to these Demands of the King's, and being in exceeding good Humour on Account of the Victory, the Parliament went immediately upon Ways and Means to supply him; and *John Stratford*, Archbishop of *Canterbury*; *Ralph Stratford*, Bishop of *London*; with other Bishops, Abbots, and Knights, freely undertook, on their own Credit, to raise the King 20,000 Sacks of Wooll: So that, for every Sack of the best Sort, the King should receive 6*l.* for others 5*l.* and for the worst four Marks, besides his Custom of 40*s.* on every Sack; and of all this Money a speedy Return to be made to the King. It was stipulated, however, that the Subsidy of next Year should be employed for the Payment of this Loan, and this to be confirmed by the King's Letters Patent.

The Roll gives us an Account of a large Quantity of Provisions, which were ordered for the Use of the King's Fleet by this Parliament, *viz.* 2000 Quarters of Wheat, 500 of Beans and Pease, 500 of Oats, 200 of Fitches <sup>2</sup> or Chiches, 800 Sides of Bacon, two Tons Weight of Cheese, and 100 Tons of Wine. Two Persons, there named, were appointed Purveyors-General of the Ports of *Sandwich* and *Southampton*; and 4400*l.* were assigned out of the Aids of the Counties of *Effex* and *Oxford* for the King's Butler.

The Record is also very particular in the Names of the Merchants, who were ordered by Writ to attend Commissioners, about the Purchase of the Woolls afore-said,

<sup>1</sup> Procurator to the Parliament that deposed *Edward II.* See before, p. 185, 203.

<sup>2</sup> The Word in the Record is *Cifere*, which our old *French* Dictionaries translate as above.

said, &c. but as this is too prolix for our Design, we R. Edward III, shall give the Reader Mr. Tyrrel's Abstract of the rest of the Proceedings of this Session; and the rather, because it tends to illustrate some Passages that will come before us in the History of succeeding Parliaments.

Then it was farther agreed in Parliament, That, [ 239 ]  
 ' for the speedy Sale of this Wooll, and turning it into  
 ' Money, as also the ninth Fleece which had been given  
 ' in the last Parliament, the Sheriffs should be com-  
 ' manded to send up from all Cities and Boroughs of  
 ' their several Counties, certain Merchants, to appear  
 ' before the King's Council at *Westminster*, on the 15th  
 ' of *August* next ensuing, to treat with them about the  
 ' buying the said Wooll in all Counties. Where the  
 ' Archbishop of *Canterbury*, with some other Bishops,  
 ' Earls, and Barons of the King's Council, there named,  
 ' treated with them, and contracted for a great Number  
 ' of Sacks of Wooll; the Money to be paid at *Bruges*  
 ' within three Weeks after, or upon the 8th of *Septem-*  
 ' *ber*, or else upon the Feast of St. *Michael* next ensuing  
 ' at the farthest. The Merchants of *Bardeton* and  
 ' *Prussia* contracted for a great deal of this Wooll, and  
 ' engaged to pay the Money to those of *Louvain* and *Ma-*  
 ' *lines*; and several particular Persons are there named,  
 ' both *Almans* and others, that had been retained by  
 ' King *Edward*. The Lords of the Council sent for  
 ' divers Persons to account before them, and ordered  
 ' them to return this Money to the King beyond Sea;  
 ' but what the Reason was that these Returns were not  
 ' made to the King accordingly, is hard to determine;  
 ' for some of our Writers lay the Fault upon the Mer-  
 ' chants that were to return the Money; and others,  
 ' upon the Knavery or Negligence of the King's Officers,  
 ' who having got these Wools into their Hands, did not  
 ' deliver them to the Merchants according to Agree-  
 ' ment<sup>a</sup>.

Pursuant to what Mr. Tyrrel relates, the King finding himself pinched for Want of Remittances, and having contracted great Debts abroad, in order to carry on the War this last Campaign, he determined to conclude a Truce with *France* for some Time, and to go privately

Vol. I. R. back

<sup>a</sup> See *Cotton's Abridgment*, p. 30, for an Abstract from the Record in this Parliament of, what is there called, a special and rare Case, &c.



K. Edward III. back into *England* to find out the Defaulters, and punish them according to their Deserts. Accordingly he took Shipping in *Zealand*, with only his Queen and eight more Persons of Quality; and, after riding out a furious Storm, which held them for three Days together, he landed safe at the Tower, about Two o'Clock in the Morning, *November 30*, in the Year 1341.

[ 240 ]

The King returns home privately, to inquire into the Misapplication of the Supplies.

Upon the King's entering the Tower, he found no Guard there upon Duty, and only his Children and a few Servants that waited on them; for which he presently sent for the Constable and committed him to close Confinement in his own Prison. In the same Manner he served the Mayor of *London*, the Keeper of the Great Seal, the Lord Chief Justice of the King's Bench, three Clerks of the Chancery, and one of the Exchequer, who having all been concerned in raising or receiving the late Subsidies, soon found Lodgings in the same Prison. The Bishops of *Chichester*, and *Litchfield* and *Coventry*, the one his Chancellor, the other Lord-Treasurer, he turned out of their Offices and imprisoned for a Time; but durst not detain them, for Fear the *Clementine Constitutions*, forbidding Bishops to be imprisoned, should affect him. But the greatest Ecclesiastical Person he had to deal with, in this Affair, was the Archbishop of *Canterbury*, who he well knew was as culpable as any. Many severe Messages were sent from the King to the Prelate, who had retired to his own Palace at *Canterbury*, and some as haughty Answers were returned. At last the King resolved to lay the whole before his Parliament, and to take their Opinions how he ought to proceed.

Anno Regni 16.  
1342.

At *Westminster*.

Accordingly a Parliament was summoned to meet at *Westminster* on *Easter-Monday, April 23, 1342*, the Causes whereof were declared to be, 'How the King might be speedily supplied with the Grants given him last Year, upon his going over in Person against his Enemy, *Philip* of *Valois*, great Part of which was detained from him by evil Officers; and how a sufficient Sum of Money might be raised for the King's present Necessities.' After which a Declaration was made in the King's Name, 'That whoever of his Subjects should think themselves hardly dealt with, either by himself or any of his Officers, upon Complaint and Proof made thereof, should have Redress.'

To

‘ To this Parliament the Archbishop of *Canterbury* K. Edward III. came, though he had no Writ of Summons, attended with a great Company of his Clergy and many Knights. Upon his Entrance into the House, the High Steward and Chamberlain met him, who, in the King’s Name, forbad him to enter the Parliament, untill he had undergone a Trial in the Exchequer, for divers Things laid to his Charge. The Archbishop, lest he should move the King too much, vouchsafed to go into that Court, and there took a Copy of the Articles, of which his Accusation consisted, and to these he promised to return an Answer. Upon which he was suffered by the King to come into Parliament, and there, before the whole Assembly, he declared the Cause of his coming to be, ‘ For the Honour, Rights, and Liberties of the Church, ‘ for the Profit and Commodity of the Realm, and for ‘ the Interest and Honour of the King : And, *lastly*, that ‘ he might clear himself in Parliament of several Crimes ‘ laid to his Charge, and published all over *England* to ‘ his Prejudice <sup>b</sup>.’

[ 241 ]

Articles preferr’d against the Archbishop of *Canterbury* on that Account.

This occasioned a great Debate amongst the Lords on the Question, ‘ Whether the Nobility of the Land ‘ should be put to answer, except before their Peers in ‘ open Parliament ? A Committee of twelve Peers was appointed to draw up a Representation to his Majesty ; and they were also to inquire concerning the Crimes laid to the Archbishop’s Charge, and fairly to represent how far they thought him blameable. Mr. *Joshua Barnes* <sup>c</sup>, who we have before mentioned, and who wrote the Life of this great King in one large Volume in Folio, has very faithfully collected, from the Parliament-Rolls and other Records, such Materials as were proper for his Purpose ; and is so particular in the Sequel of the Controversy betwixt the King and the Prelate,

A Committee of twelve Peers appointed to inquire into his Conduct.

R 2 that

<sup>b</sup> It was greatly suspected that the Archbishop, at the Instigation of Pope *Benedict XII.* who was a *Frenchman*, and consequently no Friend to *Edward’s* Conquests in that Kingdom, had played false in this Matter. *Speed’s Chron.* p. 574.

*Collier* writes, That *Burgbawsh*, Bishop of *Lincoln*, and Sir *Geoffrey Scrope*, one of the Judges, had an old Grudge against Archbishop *Stratford*, and seized this Opportunity to push the Advantage against him.

See the Affair at Length in the same Author, where the Peerage of the Bishops, and their Right of being tried *per Pares*, is learnedly maintained against the Opinion of Sir *Edward Coke*, p. 544.

<sup>c</sup> Some Time Greek Professor in the University of *Cambridge*.

K, Edward III. that we cannot do better than give it our Readers in that Author's own Words :

[ 242 ]

Whereupon are named four Bishops, four Earls, and four Barons, to draw up the Platform for the King's View. These being also to inquire concerning the Crimes laid against the Archbishop, and to prepare them for the King, among other Things determined, that the Lord-Chancellor, the Lord-Treasurer, and other high Officers of State, should be included under the Names of Peers, and set down a Request, that all Conditions and Estates might enjoy their proper and peculiar Liberties. By that Time these Things were thus forwarded, the Archbishop came again to the Parliament, but was forbid by the Captain of the King's Guard, Sir *William Attewood*, to enter : Whereupon he spake thus to the People that flocked about him, " My Friends, the King, by his Writ of Summons, hath called me to this Parliament, and I, who am the chief Peer of the Realm, and who, next the King, have the first Voice in Parliament, claim the Rights of my Church of *Canterbury*, and therefore require Entrance into Parliament<sup>d</sup>." But when for all this being kept out by the Guard, he could not enter, he took his Cross in his own Hands, and solemnly protested, that he would not stir from that Place, till the King gave him Leave to come into Parliament, or a sufficient Reason why he should not. While he stood there in this Manner, some that were by began to revile him, telling him that he was a Traitor, and he deceiv'd the King, and betrayed the Realm : To whom the Archbishop said, " The Curse of Almighty God, and of his blessed Mother, and of St. *Thomas*, and mine also, be upon the Heads of them that inform the King so, *Amen, Amen*." In this Hurry certain Noblemen chancing to come out, he besought them to request the King in his Behalf, and for the Right of his Church of *Canterbury* ; this they kindly promised him to do ; and accordingly, by the Intercession and Favour of the Lords, the King gave Leave for his Admission into the House ; where he offered to purge himself lawfully in Parliament of the Crimes objected against

<sup>d</sup> *Tyrrel* says the Archbishop of *Canterbury* was not summoned to this Parliament.

‘ against him ; but he was referred to the Consideration K. Edward III.  
 ‘ of the twelve Peers, who had his Cause in Hand at  
 ‘ that Time. On the 19th of *April*, being *Thursday*,  
 ‘ the King came into *St. Edward’s* Chamber, commonly  
 ‘ called the *Painted-Chamber*, before whom, in Sight [ 243 ]  
 ‘ of the Lords and Commons, the Archbishop humbled  
 ‘ himself, and required his gracious Pardon ; which,  
 ‘ upon the whole Parliament’s general Suit and Intreaty,  
 ‘ his Majesty granted. After which the Archbishop de-  
 ‘ fired, that whereas he was publickly defamed through  
 ‘ the Realm, he might now be arraigned in open Par-  
 ‘ liament before his Peers : But the King answered, He  
 ‘ would first attend to the common Affairs, and after  
 ‘ that examine lighter Matters. However, a little after,  
 ‘ without any more Accusation, or Answer, the King,  
 ‘ of his own Accord, declared him legally purged and  
 ‘ excused ; his Majesty having no Mind to destroy so  
 ‘ able a Minister, but only to humble him and break his  
 ‘ high Prelatical Obstinacy ; which, for a while, seemed  
 ‘ ready to cope with the Regal Power.’

A Reverend Writer of Ecclesiastical History\* has gone much farther, to clear the Archbishop from this great Imputation, than *Barnes* has done ; and though he may be represented as an Author too partial to the Prelacy, yet we think what he says has, too much Weight in it to be omitted.

‘ The King’s Complaint against the Prelate in his  
 ‘ Letters, the Articles drawn up against him, and the  
 ‘ other Preparations for his Trial, seem only to be done  
 ‘ *ad faciendum Populum*. In short, it looks highly pro-  
 ‘ bable the young King had either been misled, or over  
 ‘ liberal to his Favourites. Great Taxes had been  
 ‘ granted to prosecute and make Way for the Title to  
 ‘ *France*, and yet the People’s Expectations were baulk’d,  
 ‘ and that Expedition had, by no Means, answered up to  
 ‘ the Prospect and Expence. That the Subject therefore  
 ‘ might not be backward to contribute to the Support  
 ‘ of the War, it was thought adviseable to lay the pub-  
 ‘ lic Miscarriage upon the Archbishop : By this Expe-  
 ‘ dient, the King would be skreened, the Court lie  
 ‘ under Shelter, and the People better disposed for the  
 ‘ Payment of another Tax. And tho’ some suspect the

R 3



K. Edward III. ‘ Archbishop was gained by the Pope to clog the War,  
 ‘ by not furnishing the Money in due Time, and that  
 ‘ he perswaded the King to drop the Enterprize, and  
 ‘ make a Peace ; notwithstanding this Conjecture, I say,  
 [ 244 ] ‘ there are two Things which go a great Way in the  
 ‘ Proof of the Archbishop’s Innocence.

I. ‘ It is highly probable the King was satisfied of  
 ‘ *Stratford’s* Integrity, because when, upon breaking up  
 ‘ of this Parliament, he made another Expedition into  
 ‘ *France*, he took the Archbishop into Favour, and made  
 ‘ him one of the chief Ministers of State.

II. ‘ Because, in the next Parliament, held two Years  
 ‘ after, the King commanded that the Articles of Im-  
 ‘ peachment, drawn up against the Archbishop of *Can-*  
 ‘ *terbury*, should be brought into the House to be an-  
 ‘ nulled and declared insignificant. The Motive assign’d  
 ‘ for this Order is, because the Matter contained in the  
 ‘ said Articles was neither reasonable nor true. These  
 ‘ Things put together amount, in my Opinion, to a  
 ‘ full Evidence for the Archbishop’s Justification.’

The farther Proceedings of this Parliament require somewhat more Attention than the former, a Matter of great Moment being the Consequence thereof. To clear the Way better before us, we shall subjoin another Quotation from *Barnes*, in order to lay the Affair more open, and do it all the Justice it deserves.

‘ Upon Occasion of the late Contest, between the  
 ‘ King and the Prelate, the Clergy of *England*, in this  
 ‘ Parliament, made their Requests to the King, That  
 ‘ the Liberties of Holy Church may be kept, and the  
 ‘ Great Charter be newly proclaimed, and by Oath  
 ‘ confirmed. The King answered, “ That it was his  
 “ Desire that *Magna Charta* should be observed ; but  
 “ that it seemed to him sufficient, for either that, or  
 “ other their Liberties, to be exemplified under the  
 “ Great Seal ; and that more Oaths were not necessary ;  
 “ especially since already too many were forsworn  
 “ throughout the Land <sup>f</sup>.”

‘ Then they shewed how several of the Clergy were  
 ‘ imprisoned by the King’s Officers without due Process,  
 and

<sup>f</sup> Mr. *Tyrrel*, in reciting this Refusal of the King’s, on Account of the Multiplicity of Oaths, makes this shrewd Remark, ‘ This, by the Way, shews, says he, that Oaths taken of Course were no better kept in those Times than they are in ours ;’ nor even in Times after his.

“ and that therefore they may be delivered : To which K. Edward III.  
 “ the King answered, “ That he intended not any Cler-  
 “ gyman should be attached against Law ; and that he [ 245 ]  
 “ would be ready to hear, if any was in that Manner  
 “ imprisoned, either against *Magna Charta*, or the  
 “ Statute of *Northampton*.”

“ They complain’d further, That several of the King’s  
 “ Officers had entered divers Religious Houses, and ha-  
 “ ving, by Oath, extorted a Confession of Goods there  
 “ deposited, carried them away. The King answered,  
 “ That he would not his Officers should do thus : But  
 “ that if Laymen, to defraud him, did conceal their  
 “ Goods in such Places, then the Privilege should not  
 “ avail : For so the King is wronged.”

“ On *Saturday* following the Lords petitioned, That Petitions of the  
 Lords and Com-  
 mons,  
 “ *Magna Charta* might, in all Points, be observed so as  
 “ such Persons, who are neither appealed, nor indicted,  
 “ nor presented at the Suit of any, and yet have their  
 “ Goods, Lands, or Possessions taken away, may be re-  
 “ stored thereto again.’ “ In answer to this the King  
 “ granted, for him and his Heirs for ever, that if any Per-  
 “ son commit any Act contrary to the Form of *Magna*  
 “ *Charta*, or any other good Law, he shall be liable  
 “ to answer it in Parliament, or else where he ought by  
 “ Law.”

*The following are the Petitions of the Commons, with their  
 respective Answers.*

*Commons.* “ That the Chancellor and other Officers  
 “ of State, there named in the Records, may, upon their  
 “ Entrance into the said Offices, be sworn to observe the  
 “ Laws of the Land, and *Magna Charta*.

*King.* *The King willeth the same.*

*Commons.* “ That every Man, for Debts due to the  
 “ King’s Ancestors, may have therefore Charters of Par-  
 “ don, of Course out of the Chancery.

*King.* *The King granteth.*

*Commons.* “ That certain Persons, by Commission,  
 “ may hear the Accounts of those who have received  
 “ Woolls, Monies, or other Aid for the King, and that  
 “ the same may be enrolled in the Chancery.

*King.* *It pleaseth the King, so as the Treasurer and  
 Lord Chief Baron may be joined in the Commission.*

*Commons.*

*R. Edward III. Commons.* ‘ That the Ordinance made at Northampton,  
 [ 246 ] ‘ *That Men of evil Life and Conversation should be attach-*  
 ‘ *ed, may be repealed; because, on Pretence thereof,*  
 ‘ *many honest Men have been arrested.*

*King. The King doth revoke it.*

*Commons.* ‘ That many Commissions, whereby fundry  
 ‘ Men have been fined outragiously by the Commission-  
 ‘ ers, may be revoked, and new ones granted to others.

*King. The King is pleased that the same shall be done  
 in the Presence of him, of the Lords, and certain of the  
 Commons.*

*Commons.* ‘ That the Chancellor, and all other Offi-  
 ‘ cers there named, may be chosen in open Parliament;  
 ‘ they, at the same Time, to be openly sworn to observe  
 ‘ the Laws aforesaid.

*King. The King yieldeth only thus much, That if any  
 such Office, by the Death or other Failure of the Incum-  
 bent, become void, the Choice to remain solely in the King,  
 he taking therein the Assent of his Council: But that every  
 such Officer shall be sworn, at the next Parliament, accord-  
 ing to the Petition; and that, every Parliament follow-  
 ing, the King shall resume into his Hands all such Offices;  
 so as the said Officers shall be left liable to answer all Ob-  
 jections.*

Which, being  
 assented to by the  
 King, are de-  
 clared to be Sta-  
 tutes;  
 ‘ Hereupon, at the Request of the whole Three Estates  
 ‘ made unto the King, these Articles were declared Sta-  
 ‘ tutes, as on the Back of the Roll doth appear: Which,  
 ‘ with the Conditions, were afterwards read before the  
 ‘ King, his Officers being present, as the Chancellor,  
 ‘ Treasurer, Justices of both Benches, Steward of the  
 ‘ King’s Chamber, and others, all which Officers were  
 ‘ sworn on the Cross of Canterbury to perform the same:  
 ‘ Only the Chancellor, Treasurer, and certain of the  
 ‘ Justices refused the said Oath, as being repugnant to  
 ‘ their former Oath and the Laws of the Realm. How-  
 ‘ ever, for that Time, the Statutes and Conditions afore-  
 ‘ said, together with the Commissions to inquire after  
 ‘ Oppressions, were exemplified under the Great Seal,  
 ‘ and delivered to the Lords and Commons.

[ 247 ] This extraordinary Concession from the Crown being  
 thus ratified and passed into a Statute, the King soon  
 after sought to revoke, by a Method more extraordinary  
 than the Grant; and which was a Stretch of the Royal  
 Pre-

Prerogative greater than we have yet met with, since the K. Edward III. Three Estates of the Realm were established: For, shortly after, the King, by Advice of his Council only, and without any Parliament, did abrogate what he before was, as he says, forced into, and had suffered to pass into a Law. This was done by Special Writs, directed to all the Peers, and to all the Sheriffs in *England*, commanding the latter to proclaim it throughout their several Divisions. The Writ to the Sheriff of *Lincolnshire* is still extant in the *Public Acts*<sup>e</sup>, and in the *Statutes at large*; into the last of which Records it got, we suppose, by being confirmed by Act of Parliament two Years after. The whole Writ is translated by *Barnes*, for the Rarity of it, as he says; but *Dr. Brady* has given us a Translation of another, directed to the Archbishop of *Canterbury*, the Original of which is preserved in his *Appendix*<sup>h</sup>, which we think is somewhat more curious than the former; especially, since it plainly proves, contrary to *Mr. Collier's* Conclusions, that the King was not so well satisfied with the Prelate's Integrity as that Writer would have us believe. The Translation of the Writ is as follows:

But are afterward  
revoked by him  
without Consent  
of Parliament.

*The King to the Venerable Father in Christ, John Archbishop  
of Canterbury, Primate of all England, Greeting,*

“ **W** Hereas some Time since in our Parliament at The King's Writ  
to the Archbishop  
of Canterbury,  
declaring his  
Reasons for re-  
voking the same. *Westminster*, assembled in the *Quindene* of *Easter* last past, there were certain Petitions made, expressly contrary to the Laws and Customs of *England*, and not only very prejudicial, but reproachful also to our Royal Dignity; which, if we had not permitted to have been drawn into a Statute, the said Parliament had been without Success, and dissolved in Discord, and so our Wars with *France* and *Scotland*, which we principally undertook by your Advice, had very likely been (which God forbid) in Ruin: And we, to avoid such Dangers, permitting Protestations of revoking those Things, when we could conveniently, that had so been extorted from us against our Will, yet permitted them to be sealed with our Seal at that Time: And afterward by the Advice and Assent of the Earls, Barons, “ and

[ 248 ]

<sup>e</sup> *Fœd Ang.* Tom. V. p. 282. Dated at *Westminster*, Oct. 1.

<sup>h</sup> *Brady*, p. 221, 222; in *Append.* 88.



K. Edward III. “ and other wise Men, for lawful Causes, because our  
 “ Consent was wanting [*or, as it is in the Revocation directed to the Sheriff of Lincoln, ‘ because we never*  
 “ consented to the making of the Statute ; but, as then it  
 “ behoved us, we dissembled in the Premisses, &c.] we  
 “ have declared it null, and that it ought not to have the  
 “ Name and Force of a Statute. And we understand  
 “ you have commanded a Provincial Council to meet at  
 “ London, on the Morrow of St. Luke next coming ; in  
 “ which you intend to excite the Bishops of your Province against us, and to ordain and declare some Things  
 “ prejudicial to us, about confirming the said pretended  
 “ Statute, and for the Enervation, Depression, and Diminution of our Royal Jurisdiction, Rights, and Privileges, for the Preservation whereof we are bound  
 “ by Oath ; also concerning the Process depending between us and you for certain Matters charged upon  
 “ you by us ; and that you intend to promulge grievous  
 “ Censures concerning these Things : We, willing to  
 “ prevent so great Mischief, do strictly forbid, that in  
 “ that Council you dare to propound, or any ways attempt, or cause to be attempted, any Thing in Derogation or Diminution of our Royal Dignity, Power,  
 “ or Rights of the Crown, or of the Laws and Customs  
 “ of our Kingdom, or in Prejudice of the Process aforesaid, or in Confirmation of the pretended Statute, or  
 “ otherwise, in Contumely of our Name and Honour,  
 “ or to the Grievance or Disadvantage of our Counsellors or Servants : Know ye, that if ye do these Things,  
 “ we will prosecute you, as our Enemy and Violator of  
 “ our Rights, with as much Severity as lawfully we may.  
*Witness the King at Westminster the 1st Day of October.*

[ 249 ]

Dr. Brady is of Opinion that the Agreement concerning the chief Officers of State, which the King had, inadvertently, let pass into the Form of a Statute, was the Contrivance of the Archbishop, Bishops, and Clergy ; for it was a great Trouble to them that the Chancellor, Treasurer, and several other Officers, who were of that Order, had been put out of their Places, at the King’s Arrival in England, and Laymen placed in their Stead<sup>i</sup>.

‘ But

<sup>i</sup> Rex Edwardus Angliam intravit, Ministros suos, viz. Cancellarium, Thesaurarium, et alios amovit, non Clericos, imo Seculares ad placitum suum substituit. Walsingham, p. 150.

\* But since Dr. *Brady* and Mr. *Barnes* are represented <sup>K. Edward III.</sup> as Writers too partial to the Prerogative Royal, and as <sup>Remarks there-  
on.</sup> these later Proceedings, in a Parliamentary Way, with the King's great Stretch of Power over them, are the most remarkable of any Transactions in this Reign, we shall subjoin Mr. *Tyrrel's* Thoughts on the Matter; who, as he was a Writer apparently set up to contradict Dr. *Brady's* Notions of Regal Power, the Point in View may be the better cleared between them.

After speaking of the King's Writ to the Sheriff of *Lincoln*, and giving an Abstract of that to the Archbishop of *Canterbury*, he goes on and says,

\* But though it must be granted that this was a high Stretch of the King's Prerogative, and such as our Times would not bear, yet even then, when neither the Bishops, Barons, nor Commons in Parliament, ever gave their Consents to this Revocation, they were not at all satisfied with this Precedent; for in the next Parliament of the seventeenth of this King, this Statute above-mentioned was by them legally made void and repealed, without any Mention of the King's late Writ or Proclamation, as appears upon the Statute Roll, though not printed in our Statute Books.

\* This Revocation very well deserves our further Remark; for since no more than the King's Writ to the Sheriff of *Lincolnshire* was thought fit to be printed by those who first published the Statutes in *England*, without the subsequent Statute last mentioned, it hath been commonly made use of by the high Assertors of the Royal Prerogative, as a sufficient Precedent to prove, that the King alone has a Power to make void and repeal any Law or Statute that he shall judge derogatory to his Prerogative, or the Laws and Customs of the Realm; and he needs no more but to say, as King *Edward* did in this Case, That he dissembled in the Premises, and never gave his free Consent, but only to avoid greater Dangers, or to obtain a Subsidy when he needed it to carry on his Wars: But the Lords and Commons were not satisfied with this Doctrine; and tho' they would not quarrel with the King as to what was passed, yet it is evident they were not satisfied with his Prerogative in vacating this Statute, or else there had been no Need for them to have made another Re-  
peal

[ 250 ]

K. Edward III. ‘peal of it: And tho’ the learned Mr. *Barnes*, in his elaborate History of this King’s Reign, hath been so candid as to recite, *verbatim*, not only the King’s Writ of Revocation, but the unprinted Statute last mentioned, yet he looks upon it as a meer Result of the King’s Prerogative Royal, in those Days esteemed of sufficient Force, and as such afterwards confirmed by Act of Parliament; which I can by no Means gather from this Statute, but rather conclude the contrary from this very Instance.’

To conclude our Accounts of this Parliament, we shall only take Notice of another Particular, which is, that, the Necessity of the King’s Affairs requiring it, 20,000 Sacks of Wooll were ordered to be transported beyond Sea, before *Michaelmas* next coming; and it was provided that no Man before that Time should send over any Wooll, on Pain of thrice the Value, and Loss of Life and Member \*.

If our Quotations relating to the Affairs of the last Parliament are thought too long, we come now to a Gap of Time in which we can find little to our Purpose: For, except a Parliament, or rather a great Council of the Peers only, which the King held at *Westminster* about the latter End of *April*, in the Year 1341, in which was nothing transacted worth our Notice, we do not meet with another real Parliament called ’till the Year after.

[ 251 ] The King, in this Interval, had been warmly engaged in a double War, and had personally visited both *France* and *Scotland* in a hostile Manner. The Exploits and Successes of which we must leave to our Military Historians, and come to a Parliament which the King called to meet at *Westminster*, *April* 23, 1343. The Causes for summoning, expressed in the Writ itself, being, ‘to treat and advise with his Great Men what was best to be done in his present Affairs; particularly concerning the Truce lately made with his Enemy of *France*, and about the good Government and Safety of his Realm and People.’

Anno Regni 17.  
1343.

At *Westminster*.

The Parliament being met, the Lord-Chancellor sent for Sir *Bartholomew Burghersh* to come into the House; who, having been with the King at the making of the late

\* *Barnes*, *Brady*, and *Tyrrel*, from the Rolls.

late Truce, was to declare what he knew concerning it. *K. Edward III.* Whereupon the Knight spoke to this Purport : ‘ That  
 ‘ after the King had begun the War with *France*, by  
 ‘ Assent of the Prelates, Great Men, and Commons, to  
 ‘ obtain his Rights and Inheritance there, he had divers  
 ‘ Times passed the Sea with his Army, and, after his last  
 ‘ going over, had taken several Towns, Castles, and  
 ‘ Forts in *Bretagne* ; but that whilst he lay at the Siege  
 ‘ of *Vannes*, he was desired by the Pope, for the Honour  
 ‘ of God and Holy Church, to accept of the Mediation  
 ‘ of two Cardinals, whom he should send to him, to me-  
 ‘ diate a Truce, untill a Peace could be treated of : And  
 ‘ then concluded, That the King, perceiving the Truce  
 ‘ to be honourable, and advantageous to him and his  
 ‘ Allies, assented to it : That, during the Continuance  
 ‘ thereof, a Treaty of Peace might be had, before the  
 ‘ Pope, as a Mediator and Friend, but not as a Judge ;  
 ‘ which Peace, if good and honourable, the King would  
 ‘ accept of ; if not, he would pursue his Quarrel. And  
 ‘ Sir *Bartholomew* further said, That because the War  
 ‘ was begun by the common Advice of the Prelates,  
 ‘ Great Men, and Commons, the King would not treat  
 ‘ of, or make, Peace without the like Assent.’ Where-  
 fore the Prelates and Great Men were charged to as-  
 semble on *Thursday* the first of *May*, in the *White-*  
*Chamber*<sup>1</sup>, to treat, advise, and agree among them-  
 selves, Whether the King ought to send any Envoys  
 to the Court of *Rome*, to propound his Right before  
 the Pope, or not ? And, in the same Manner, the Knights  
 of Counties and Commons were charged to assemble  
 in the *Painted-Chamber*, *Chaumbre depeynte*, to treat and  
 advise in like Manner, and to report their Answer and  
 Agreement, in full Parliament, at the same Time.

[ 252 ]

On which Day, the Prelates and Great Men answered,  
 their Advice was, ‘ That the Truce was honourable,  
 ‘ and advantageous to the King and all his Friends ; and  
 ‘ that every Christian ought to wish that the War, which  
 ‘ was so great and hurtful to all Christians, might soon  
 ‘ end in a Peace : Wherefore they agreed to the Truce ;  
 ‘ and that the King should send Messengers to *Rome*, to  
 ‘ lay before the Pope, as a Mediator and Friend, but  
 ‘ not

<sup>1</sup> *En la Chaumbre blanche.* Now the Court of Requests.



K. Edward III.<sup>c</sup> not as a Judge <sup>m</sup>, his Rights and Demands, in order to  
 ‘ a Treaty of Peace, according to the Form of the Truce.  
 ‘ And then the Knights of Counties came in, and the  
 ‘ Commons, and answered by Sir *William Trussel*, in  
 ‘ the *White-Chamber*, who, in the Presence of the  
 ‘ King, Prelates, and Great Men there, on Behalf of the  
 ‘ Knights and Commons, that they were fully agreed the  
 ‘ Truce should be kept, to the End a good and honour-  
 ‘ able Peace might be made : And further, the said Com-  
 ‘ mons prayed the King to send express Envoys, or Mes-  
 ‘ sengers, to treat of Peace, as abovesaid ; and, in case  
 ‘ he could have an honourable and advantageous Peace  
 ‘ for himself and his Friends, that he would accept of it ;  
 ‘ but if not, the said Commons declared, that they would  
 ‘ aid and assist him, and maintain his Quarrel with all  
 ‘ their Power <sup>n</sup>.’

It was here also enacted, That the Statute made at *Westminster* the 15th of this King, and which he had soon after revoked, as has been mentioned, should accordingly be utterly repealed, and lose the Name of a Statute, as contrary to the Laws of a King’s Prerogative. But, since the Articles there made were thought reasonable, it was enacted that such Articles, with some others agreed on in this Parliament, should, by the Advice of the Judges, be made into a Statute <sup>o</sup>.

An Ecclesiastical Affair of great Consequence came also before this Parliament, which, tho’ somewhat long, is of too great Concern to be omitted. We shall therefore give *Joshua Barnes’s* Account of it in his own Words.

The Commons remonstrate against the Incroachments of the Papal Power.

‘ In this Parliament it is recorded, That the Commons  
 ‘ of *England* made great Complaint of the Provisions and  
 ‘ Reservations coming from the Court of *Rome* ; where-  
 ‘ by the Pope took up beforehand the future Vacancies  
 ‘ of Ecclesiastical Dignities for Aliens, and such as had  
 ‘ nothing to do within this Realm. They remonstrated  
 ‘ to

<sup>m</sup> Come devant meen Amy, mais nonn pas come Juge, ne come Compromes-  
 sair. Record.

<sup>n</sup> Les dier Communes grantierent de lui eyder a mayntener sa querele ave  
 tote leur poair. Record.

<sup>o</sup> Old *Stowe* writes, that, in this Parliament, *An. 1343*, the Clergy, that were Possessors of Lands, granted to the King towards the War all their Jewels and Plate, as well Silver as Gold, besides Horses, Carts, and Waggon. *Stowe’s Chron.* p. 239.

' to the King the manifold Inconveniences ensuing there- *K. Edward III.*  
 ' by; as the Decay of Hospitality; the transporting of  
 ' the Treasure of the Realm to the Maintenance of the  
 ' King's mortal Enemies; the discovering of the Secrets  
 ' of the Kingdom; and the utter discouraging, disabling,  
 ' and impoverishing of Scholars, Natives of the Land.  
 ' Among other Instances, they also shewed how the  
 ' Pope had secretly granted unto two new Cardinals  
 ' sundry Livings within the Realm of *England*, and  
 ' particularly to the Cardinal of *Perigort* above ten  
 ' Thousand Marks, yearly Collections. Whereupon  
 ' they humbly require the King and his Lords to find a  
 ' Remedy for these intolerable Encroachments; for  
 ' that they neither could nor would any longer bear these  
 ' heavy Oppressions; or else they desired, *that his Ma-*  
 ' *jesty and the Lords would help them forcibly to expel the*  
 ' *Papal Power out of the Realm*<sup>p</sup>.

' The King, in Consideration of the Premises, willeth  
 ' that the Lords and Commons among themselves, con-  
 ' sult of the most decent and fitting Way, promising his  
 ' Consent to any reasonable Remedy. Hereupon the  
 ' King, Lords, and Commons, presently sent for an Act  
 ' made at *Carlisle* in the thirty-fifth Year of *Edward I.*  
 ' upon the like Complaint; which utterly forbad to bring,  
 ' or attempt to bring, any Thing into his Realm, which  
 ' should tend to the Diminution of the King's Preroga-  
 ' tive, or the Prejudice of his Lords and Commons<sup>q</sup>.  
 ' And so at this Time the famous Act of Provision was  
 ' made, prohibiting the bringing in of any Bull, or the  
 ' like Trinkets, from the Court of *Rome*, or the using,  
 ' allowing, or enjoying of any such Bull, Process, or  
 ' any other Instrument obtained from thence, as there  
 ' at large doth appear. This Act, however, as one ob-  
 ' serves, could not be agreed to by the Bishops and the  
 ' rest of the Clergy; but they rather seem'd resolved to  
 ' protest against it, till the King peremptorily command-  
 ' ed them to surcease such Presumption.

[ 254 ]

' However, the Lords Temporal only, and the Com-  
 ' mons by themselves, wrote a Letter to his Holiness, the  
 ' Purport whereof followeth, from the Original *French*.

To

p This last Expression is not on the Record; tho' it is in the Abridge-  
 ment, added, no Doubt, by that good Protestant *William Pryor*,

q See the Proceedings upon this Affair, p. 131, 147.

*K. Edward III.* To the Most Holy Father in God, the Lord *Clement*, by Divine Providence, of the Holy Roman and Catholic Church the Chief Bishop; his humble and devout Children the Princes, Dukes, Earls, Barons, Knights, Citizens, Burgeſſes, and all the Commonalty of the Realm of *England*, aſſembled in Parliament at *Weſtmiſter*, devoutly kiſs his Holy Feet.

A Letter to the Pope thereupon, from the Lords Temporal and Commons only, the Lords Spiritual reſuſing their Aſſent.

**T**HE pious Diſcretion, Prudence, and Equity, which ſeem, and ought indeed, to be in you, Moſt Holy Father, who are ſo holy and ſo high a Prelate, Head of the Holy Church, by whom the Catholic Church and People of God ſhould, as by the Sun-Beams, be enlightened, do give us good Hope, that the juſt Petitions hereunder by us declar'd, to the Honour of Jeſus Chriſt, of his Holy Church, and of your Holineſs alſo, ſhall be of you graciouſly conſidered, and that all Errors and Injuſtice ſhall be quite removed; inſtead whereof fruitful Amendment and neceſſary Remedies, thro' the Grace of the Holy Spirit, which you, in ſo eminent a Degree, have received, may be by you graciouſly ordained and applied.

[ 255 ]

Wherefore, Moſt Holy Father, after great Deliberation, we all with one Aſſent come unto your Holineſs, ſhewing and declaring, that the Moſt Noble Kings of *England*, Progenitors to his Majeſty that now is, as alſo our Anceſtors and ourſelves too, according to the Grace of the Holy Ghoſt to them and to us given, every one of his own Devotion have eſtabliſhed, founded, and endowed within the Realm of *England*, Cathedrals and other Churches, Colleges, Abbeys, Priories, and divers other Religious Houſes; and to the Prelates and Governors of the ſame have given and granted Lands, Poſſeſſions, Patrimones, Franchiſes, Advowſons, and Patronages of Dignities, Revenues, Offices, Churches, with many and divers other Advantages and Emoluments; whereby the Service of God and the Faith of Chriſt might be honoured and had in Reverence; Hoſpitals and Alms-Houſes, with all other Ediſices, Churches and Colleges, might be honeſtly kept and maintained, and devout Prayers in the ſame Places made for the Souls of the Founders; and the Poor alſo of the ſeveral Pariſhes conveniently aided and nourished: Of all which ſuch only were to have the Cure, who were able to take Confeſſions, and were otherwiſe meet in their own Mother Tongue of *England*, effectually to teach and inform their Flock. And

And forasmuch, most Holy Father, as you cannot well K. Edward III.  
attain the Knowledge of divers such Errors and Abuses, as are crept in among us; nor yet be able to understand the Conditions and Customs of Places, being yourself so far distant, unless your Holiness be of others duly informed and instructed; we therefore, having full and perfect Notice and Intelligence of all the Errors and Abuses of the said Places within the said Realm, have thought fit to signify the same unto your Holiness, namely, That divers Reservations, Provisions, and Collations, by your Apostolic Predecessors of the Church of Rome, and by you also in your Time, most Holy Father, have been granted, and now more illegally than heretofore, under divers Persons, as well Strangers and of other Nations, as unto some who are our professed Enemies, and who have little or no Understanding at all of our Language, and of the Conditions and Customs of those of whom they have the Government and Cure; whereby a great Number of Souls are in Peril, many of the Parishioners in Danger, the Service of God neglected, the Alms and Devotion of all Men diminished, the Hospitals brought to Decay, the Churches, with their Appurtenances, ruin'd and dilapidated, Charity waxeth cold, the good and honest Natives of our own Country unadvanced, the Charge and Cure of Souls unregarded, the pious Zeal of the People restrained, many poor Scholars of our own unpreferred, and the Treasure of the Realm exported, against the Mind and Intention of the Founders.

[ 256 ]

All which Errors, Abuses, and Slanders, most Holy Father, we neither can nor ought any longer to suffer or endure; wherefore we most humbly require your Holiness, that the Slanders, Abuses, and Errors, which we have declared unto you, may, of your own great Prudence, be thoroughly considered; and that it may please you, that such Reservations, Provisions, and Collations may be utterly repealed, that the same, from henceforth, be no more used among us; and that such Order and Remedy be forthwith taken therein, that the said Benefices, Edifices, Offices, and Rights, with their Appurtenances, may, by our Countrymen, to the Honour of God, be supplied, occupied, and governed. And that it may further please your Holiness, by your Letters, to signify unto us, without Delay or further protracting of Time, what your Pleasure is touching this lawful Request and Demand, that we may



K. Edward III. *diligently do our Duty herein for the Remedy, Correction, and Amendment of the Enormities above specified. In Witness whereof, unto these Letters Patent we have set our Hands and Seals.*—Given in full Parliament at Westminster, the 18th Day of May, An. Dom. 1343.

[ 257 ]

Mr. Barnes proceeds and tells us what Reception this extraordinary Letter met with from the Pope, which was delivered to him by Sir *John Shoreditch*, sent on purpose to *Avignon*. He gives us also the Answer the Holy Father returned to King *Edward* about it; as also the King's Reply to the Pope; which last that Author calls 'a most famous Epistle, in Defence of the Church of *England*, against Papal Encroachments; which was of such Force,' adds he, that neither the Pope nor his Cardinals could tell how to answer, and they were obliged to comply with the Terms of it for that Time.'

In this Parliament the King created his eldest Son Prince of *Wales*, investing him with a Coronet, a Gold Ring, and a Silver Rod. He also gave him several more Lands and Revenues than he enjoyed before, the better to support this new Dignity.

Before we take Leave of this Parliament it would be ungenerous not to take Notice of what a late Historian \* has given us, by Way of Remark, on the Transactions of

\* The Pope's Provisions were thus made: When any Bishoprick, Abbey, or good Benefice was likely to be void, the Pope having Notice of it by some of his Agents here, would, by an Act of Provision, predispose of such Places to such Foreigners as he pleased; whereby Patrons were defeated of their Presentations, and *Englishmen* of their Preferments, unless they would buy off the Provisions. *Kennet's History of England*, p. 220. Note (b).

Another Clergyman of the Church of *England* writes, 'That the Encroachments of the Court of *Rome*, with reference to Provisions, were now grown to a scandalous Excess: For, at almost every Vacancy, the Pope pretended to fill the See upon the Score of Reservations. Thus the Right of Elections was overborne, and Bishopricks often bestowed upon ignorant and unqualified Persons. The former Popes managed this Licence with some Temper, and were injurious, as one may say, within a Rule: But at last that Court grew altogether arbitrary and absolute, and over-ruled every Thing as they thought fit; so that, had they not received a Check from the State, they would perfectly have mastered the *English* Hierarchy, and had all the Bishopricks at their Disposal.' *Collier's Ecclesiastical History*, Book VI. p. 531.

A Translation of the King's Letter to the Pope, on this Occasion, is in the same History, p. 546.

\* The Rev. Mr. Carte. And to do Justice to that Author, though he is dead, he has been more exact and singular in his Extracts from Parliamentary Records, &c. than any other general Historian, either before or since his Time,

of it. After observing the different Places of Meeting of *K. Edward III.* the Lords and Commons as above, he adds, ' It may not be improper to observe, that though frequent Mention is made in former Parliament Rolls, of the four Orders, Prelates, Barons, Knights of Shires, and Citizens or Burgesſes, conſulting each apart by themſelves, yet this is the firſt Time that thoſe Rolls make a clear Diſtinction of the two Houſes, as formed at preſent, and ſpeak of the Knights of Shires as ſitting in the ſame Chamber with the Representatives of Boroughs. This might poſſibly commence a few Years ſooner, though not taken Notice of in the Rolls; which, omitting the Circumſtances of what paſſed in the intermediate ſeſſions of each Houſe, relate only the Tranſactions of Parliament-Days, *i. e.* ſuch Days whereon the King was preſent: And accordingly both Houſes were, on this Occaſion, ordered to report their Advice on *May 1*, in the ſaid Parliament, to the King then preſent. This was done by each ſeparately in the *White-Chamber*; the Lords Spiritual and Temporal firſt delivering their Opinion, as the Knights of the Shires and Commons afterwards did theirs, by the Mouth of Sir *William Truſſel*.'

The ſame Author adds, from the Rolls of Parliament and other Records, ' That the King aſking the Commons if they had any Grievances to complain of, or had ſuffered any Oppreſſions, whiſt he was either abroad or at home; they deſired, by Way of Redreſs, that a Commiſſion might be given to Juſtices, to be choſen by both Houſes, and ſworn before the Lords and Commons, to keep the Peace, and to do Juſtice in the Counties; to require, hear, and determine, of Felonies, Conſpiracies, Champerties, Breaches of Peace, Lands amortiſed without Liſenſe; the melting of Gold Coin by Goldſmiths, the carrying it out of the Land, and bringing back bad Money by Merchants; the Proviſions and Uſurpations of the Court of *Rome*, and other Articles; which was accordingly iſſued. But the People in general ſuffered ſo much from theſe new Commiſſioners, though choſen in Parliament, that, upon an Application to the Throne, it was vacated in the next ſeſſion; ſo dangerous is it to deviate from antient Uſages on the moſt plauſible Occaſion, and to adopt

K. Edward III. ' new Institutions, before they are well considered and  
 ' digested. The Remedies proposed for Amendment  
 ' of the Coin were, the stopping of the Importation of  
 ' bad Money, by severe Penalties, and a strict Search  
 ' at the Ports; the making of new Silver Sterlings, for-  
 ' bidding them to be carried abroad, and no other to be  
 ' current; and the coining of Gold Florins of the same  
 ' Weight, Alloy, and Value with those of *Flanders*, that  
 ' they might pass alike in both Countries <sup>t</sup>.'

The next Year the Truce having been broke by King  
*Philip*, by the barbarous Execution of some Noblemen,  
*Edward's* Allies, he again resolved to renew the War  
 with the utmost Vigour against *France*. To enable him  
 the better to carry it on, the King calls a Parliament  
 to meet at *Westminster*, June 7, 1344; the next Day  
 after their Meeting, the Names of the Lords were read  
 over and examined before the King in Parliament, to  
 see who appeared and who failed; and the Names of  
 such as did not come were given to the King in Writ-  
 ing, to punish as he pleased.

On *Thursday* after, the Lord-Chancellor, in full Par-  
 liament, the King and the young Prince of *Wales* being  
 present, declared the Cause of this Summons to be,  
 ' Concerning the late Truce with *France*, and the Breach  
 ' of it by the *French* King, of which he gave seven par-  
 ' ticular Instances. He desired the Three Estates of the  
 ' Realm to consider of those Things, and that they would  
 ' give the King such Advice and Assistance as was ne-  
 ' cessary for the saving of his and their own Rights and  
 ' Honours.'

The whole Assembly prayed that they might have  
 Time to deliberate of these Matters till the *Monday* next;  
 and, upon another Petition, they were again respited to  
 the *Wednesday* following. On that Day a select Com-  
 mittee of the whole Body, consisting of the Archbishop  
 and

<sup>t</sup> *Knyghton* remarks, that Gold Coin was first struck and made cur-  
 rent at this Time: His Words are, *Eodem Tempore Nobile, Obolus, et*  
*Ferthing, de Auro cœperunt florere in Regno; unde in eodem Parlamento*  
*ordinatum est quod nullus de Communibus artaretur capere de nova Mo-*  
*netæ Auri quod Rex ordinaverat de novo transire per Medium, et in qua-*  
*cunque Solutione, citra Solutionem et Summam 20 s. Et quod Moneta Auri*  
*et Argenti fiat consimili Modo et Forma et Pondere apud Eboracum, et alias*  
*Civitates ubi solet fieri, sicut ad Turrim Londinensem; et quod Escambium*  
*Monetæ esset in magnis Civitatibus et Villis.* *Knyghton, col. 2584.*

Anno Regni 18.

1344.

At Westminster.

[ 258 ]

and ten other Bishops, five Abbots, two Priors, eight K. Edward III. Earls, and six Barons, being all named in the Record, with the Commons of the Realm, waited on the King in the *White-Chamber* at *Westminster*, and declared in his Presence, ‘ That having Regard to the great Mischiefs and Dangers that might affect his Majesty and all his Subjects and Allies, if the Malice of his Adversary was not stopped ; and considering the heavy Charges which the Lords and Commons of *England* had been at, and suffered, by reason of the War continuing so long, by false Truces of Sufferances ; and seeing that an End of the War, or an honourable Peace, was not to be obtained without great Power and Force, they therefore pray the King, with one Accord, and every particular Peer by himself, that he would make a speedy End of this War, either by Battle or a proper Peace, if such might be had : And that, when the King should be ready to cross the Seas, to take what God should allot him, upon the Issue of this Affair, he should not, for the Letters or Command of the Pope, or any other, lay aside his Voyage, untill he had made an End, one Way or another, of this tedious War.’ To all which Prayer the King readily assented.

But the Parliament rightly judging that this Affair could not be brought about without a large and sufficient Aid, the whole Body of the Clergy, for the Province of *Canterbury*, by their Prelates and Proctors, taxed themselves in a triennial Tenth. The Commons granted the King, for the same Cause, two Fifteenths of the Commonalty of the Land, and two Tenths of the Cities and Boroughs. Soon after the Commons gave another Fifteenth Penny of their Goods, and one Tenth more on Cities and Boroughs ; observing, at the same Time, to their Sovereign Lord, That this last Grant was harder to bear, by his poor exhausted Commons, than four Fifteenths would have been heretofore : But on these Conditions, That the Money arising should be rightly applied to the Uses of the War ; and that the Prince, or one other of the King’s Sons, should be joined to Sir *Edward de Baliol* to guard the Marches of *Scotland*, &c. To all which the King assented. Many of the Lay Lords agreed to pass over the Seas, and adventure themselves with the King, and are therefore not found upon the Roll

A<sup>d</sup> Supply granted for the French War.



K. Edward III. as taxed<sup>u</sup>. Several Acts were done in this Session; but, as they are chiefly on some Ecclesiastical or private Affairs, we refer to the *Statutes at large* for the Particulars<sup>w</sup>.

[ 260 ] The King having provided for the Settlement of Justice during his Absence, and left the Regency to his second Son, Prince *Lionel*, appointing the Archbishop of *Canterbury*, and others of his Council, to assist him, he took Leave of his Queen, and, accompanied with his Son the Prince of *Wales*, together with most of the chief Earls and Barons of *England*, besides many Knights and Gentlemen of the best Quality, who were bound by their Tenures to attend him, went to *Southampton*; where, mustering up all his Officers, he made a short Speech to them, which was afterwards communicated to the whole Army, to this Purport: 'He set forth his Title to the Crown of *France*, and the Justice of his Arms, desiring them, upon their Landing, to behave themselves like Men; and that, since he resolved to send back his Fleet as soon as he arrived in *France*, if any Man's Heart fail'd him he might stay in *England*.' To which they answered with one Consent, 'They were all ready to follow him, even to Death itself.'

This Digression we hope may be pardonable, since it is all we shall say of this great King and his warlike Expedition, which takes up many Folio Pages in the larger Histories of these Times. But in his Absence, however, the young Regent and his Council furnish us with new Matter both for Connection and Pursuit of our own.

Anno Regni 21. 1347.  
At Westminster. A Parliament was called to meet at *Westminster* on the Monday next after *Lady-Day*, in the Year 1347, Anno Regni 21.

This Parliament was opened with the usual Formalities at that Time; as, a Proclamation against wearing of Armour and using of Games in and about *Westminster* during the Session; a Time was appointed for all such as had any Petitions to exhibit; the Receivers also and Tryers were constituted to consider the Contents of them,

refer-

<sup>u</sup> Brady and Tyrrel. Rot. Par. 18 Edw. III. No. 5 to 10. See the *Statutes at large*, Anno Regni 18 Edw. III. 1344.

In Consideration of the Aid granted by the Clergy at this Time, the Liberties of the Church were further explained and confirmed by an Act of Parliament. See Collier's *Ecclesiastical History*, p. 548.

<sup>w</sup> P. 304.

referring to *England, Ireland, Wales, Scotland, Gascoigny*, K. Edward III. and other foreign Countries and Islands. Sir *Thomas Drayton* was appointed Clerk to this Parliament; but, because several of the Lords and Commons were not yet come up, they adjourned to the Day following. At which Time, the House being further informed that Sir *Bartholomew Burghersh* and Sir *John Darcy*, Lords Chamberlains, Mr. *John Thoresby*, and Mr. *John Charleton*, were arrived as Messengers from the King then lying before *Calais*, and since they could not be ready to make their Appearance before the *Wednesday* next, the House adjourned again to that Day \*.

The Day being come, a Declaration was made in open Parliament, that the Reasons of their present Meeting were, 'Because the King, since his passing the Sea, and his Attempts in *France*, was now uncertain of his Condition; and that, according to the Issue or Exigence in Affairs abroad, Matters might be concerted at home for the Safety of his Majesty and the common Peace and Wealth of his Kingdom; which last was visibly damnified by the Sufferance of false Money to go current in it.'

[ 262 ]

Then was produced the King's Letters Patent, as Credentials, in which the aforesaid Declaration was, *verbatim*, expressed, dated at the Siege of *Calais*; which being read in open Parliament, Sir *Bartholomew Burghersh*, for and in the Name of himself and the rest of his Colleagues, in the Presence of the Regent and the Three Estates of the Kingdom, declared the good Success of the King since his Arrival at *La Hogue*, in *Normandy*, as in surprizing and taking many Towns and Castles of War, as well at *Caen* as elsewhere; and also of the great Victory obtain'd at *Cressy*, where the whole Power of *France* was discomfited; and how the King was now come before *Calais*, from whence he intended not to depart, till, by the Help of God, he had won the same; after which he intended to pursue the Enemy, without Return, till the War should be fully ended. This done, he produced the Copy of an Order, made by the King of *France*, in reference to his Son the Duke

Messengers sent to the Parliament, to acquaint them with the King's Success in *France*.

\* The King's Letters Patent for appointing these Commissioners is dated *Juxta Calendarium octavo Die Septembris*. *Burghersh* and *Darcy* were his two Chamberlains; *Thoresby* was Keeper of the Privy Seal, and afterwards Archbishop of *York*. *Fæd. Ang. Tom. V. p. 526.*

K. Edward III. Duke of *Normandy*, and others, Nobles of that Country; which was particularly recited, being called the Ordinance of *Normandy*, and was to this Effect: ‘ That the  
 ‘ Duke of *Normandy* should pass as Chief, with other  
 ‘ Nobles of that Province, into *England*, with 4000  
 ‘ Men of Arms, Knights, Esquires, and Persons of good  
 ‘ Estate, and 40,000 Footmen, Methods being there  
 ‘ prescribed for keeping the Sea; and an Order also ad-  
 ‘ ded, that the said Duke should remain in *England* with  
 ‘ the said Forces, for the Space of ten Weeks. And in  
 ‘ Case the Realm of *England* should, in this Expedition,  
 ‘ be conquer’d, that then the Conquest should solely be  
 ‘ to the Name, Honour, and Advantage of the said  
 ‘ Duke, and all whatsoever the King of *England* at that  
 ‘ Time had there, should remain entirely to the said  
 ‘ Duke, and the Knights and Lords with him. That  
 ‘ all that which belonged to the Nobles, and Secular  
 ‘ Persons of *England*, should be bestow’d on the Churches  
 ‘ and famous Towns in *Normandy*; only, out of the Re-  
 ‘ venues of the Church of *England*, the *French* King  
 ‘ shall receive yearly 20,000*l.* Sterling, saving the Rights  
 ‘ of his Holiness. And that, *lastly*, Surrender be made  
 ‘ unto the *Scots* of whatsoever hath at any Time been  
 ‘ taken from them, and annexed unto the Crown of  
 ‘ *England*.’

[ 263 ]

This Instrument was made and dated, as appears by the Copy of it upon the Rolls, from the Castle of *Bois de Vincennes*, March 28, 1338; which shews that an Invasion of *England* had been long premeditated by the *French*, and that *Edward*’s turning the Tables upon them was rightly timed, and his Quarrel just. It is said to have been found amongst the Archives at *Caen*, in *Normandy*, and must give great Indignation to an *English* Parliament, to find, by it, that the *French* were thus dividing the Lion’s Skin amongst them before he was slain. But they soon found the contrary to their Cost; and, instead of invading other Countries, that they were not able to preserve their own.—But to our Parliament.

The said Messengers, by the Mouth of Sir *Bartholomew Burghersh*, requir’d to know what Aid they thought fit to grant to the King, toward the Furtherance of his Enterprizes and the Defence of the Realm: In Answer  
 to

to which the Commons, having desired Respite for their K. Edward III.  
 Answer till the *Thursday* next ensuing, declared on the  
 said *Thursday*, by a Schedule at large, the sundry parti- A Subsidy granted for the War,  
 cular former Aids they had given, the Imposition of 40s.  
 Custom of Wooll, extorted of them against Law, besides  
 the great Charge they had been at in the arraying of  
 Men, and common taking of Purveyors: Notwithstanding  
 which they freely granted the King two Fifteenths  
 in two Years, so as that, if within two Years the Wars  
 should cease, then the latter Fifteenth to cease also.

After this follow the Petitions of the Commons with And Petitions presented to the Prince Regent,  
 their Answers, made by Prince *Lionel*, by Commission  
 from the King, in the King's Name, in Manner fol-  
 lowing, viz.

*Petition.* ' That all Acts of Parliament, not repeal-  
 ' ed, may be fully and entirely observed, so as there pass  
 ' forth no Commissions of Array.

*Answer.* *The first Point the King grants; of the rest  
 he will be advised.*

*Petition.* ' That such as were fined for not arraying  
 ' of Men may be discharged.

*Answer.* *The King will take Advice.*

*Petition.* ' That all within six Miles of the Sea may  
 ' have a *Superfedeas* for arraying of Men.

*Answer.* *Only such as keep the Sea-Coasts shall have a  
 Superfedeas. It is enacted that the Coinage in all Places  
 shall be open as heretofore: Item, that those who import  
 false Money into the Realm shall forfeit Life and Limb;  
 and that the Justices of Assize, and of the Peace, shall  
 inquire thereafter.*

[ 264 ]

*Petition.* ' That the King's Receivers may receive as  
 ' well Gold as Silver; and that the Changers thereof  
 ' be not without Parliament.

*Answer.* *The first is granted; the other respited.*

*Petition.* ' That the 40s. Subsidy of every Sack of  
 ' Wooll may cease.

*Answer.* *The King's Mind must be known first.*

*Petition.* ' That Payment may be made for the last  
 ' taking up of Victuals.

*Answer.* *Order shall be taken for that.*

*Petition.* ' That the Chief of every County may be  
 ' Justices of Peace; and that they may determine all  
 ' Felonies.

*Answer,*



K, Edward III. Answer. *The first is granted: For the second the King will appoint Justices learned in the Laws.*

Petition. ' That the keeping of the Sea be at the King's Charge thenceforward.

Answer. *The Sea shall be kept, as it hath been heretofore.*

Petition. ' That Sheriffs in every County may have sufficient in their Counties; and that none of those Offices be granted for Life, or in Fee: *Item*, that Purveyors, who have not the Constables with them, according to the Statute of *Westminster*, may be looked on as Thieves; and that Justices of Assize, and of the Peace, may inquire of the same.

Answer. *The Statute made shall be observed.*

Petition. ' That the Fifteenths in Towns and ancient Demesnes be levied, as in the Bodies of Counties, without Increase.

Answer. *They shall be levied after the accustomed Manner.*

Petition. ' That all Justices of the Inquest may be sworn as Justices of the Bench; and that the Chief of them may have Power to swear the rest.

Answer. *Such Justices shall be sworn as ought to be; so as they take nothing but Meat and Drink, and that of small Value; and the Chief shall be impowered to swear the rest.*

Petition. ' That the Fifteenths beyond the Trent be employed only for Defence of the North.

[ 265 ] Answer. *The King will provide for Defence of those Parts.*

Petition. ' That Strangers, Enemies of the Realm, who remain now in *Newgate*, may be adjudged during the Parliament.

Answer. *They shall remain there till further Order.*

Petition. ' That no Charter of Pardon be granted since the King's last Expedition.

Answer. *Advice shall be taken. It is enacted, That Lombards, and other Merchants, shall receive Gold for their Ware, without any Compact, on Pain of Fine and Imprisonment.*

Petition. ' That all alien Monks do avoid the Realm by *Michaelmas*, and that their Livings be disposed of to young *English* Scholars; and that such Aliens, Enemies,

‘mies, as are advanced to Livings (they being, in their *K. Edward III.*  
‘own Countries, but Shoemakers, Taylors, or Cham-  
‘berlains of Cardinals) may depart the Realm before  
‘*Michaelmas*, and their Livings be bestowed on poor  
‘*English* Scholars.

Answer. *To these two Petitions this one Answer was  
given, That the Persons, being Spiritual, were not to be  
tried by Parliament; and that their Livings, being in the  
King's Hands, were not without him to be disposed of.*

Petition. ‘That the King may take the Profits of  
‘all other Strangers’ Livings, as Cardinals and others,  
‘during their Lives.

Answer. *The King doth take their Profits, and the  
Council have sent their Petition to his Majesty.*

Petition. ‘That no Payment be made to any Car-  
‘dinals, living in *France*, to treat either of War or Peace.

Answer. *This is granted, as reasonable.*

Petition. ‘That foreign Provifors, or Aliens buying  
‘Provisions, do quit the Realm by *Michaelmas*, on Peril  
‘of being outlawed.

Answer. *The Statute heretofore made shall be obser-  
ved, and the King shall signify the same to the Pope.*

Petition. ‘That the annual Advancement of 2000  
‘Marks, granted out of the Province of *Canterbury*, may  
‘be restrained, and that those, who sue for Recovery  
‘thereof, may be outlawed.

Answer. *The Lords think the same reasonable; and  
it is further commanded, That no such be from henceforth  
received.* [ 266 ]

‘It is enacted, That whosoever shall bring into the  
‘Realm any Aliens, the Vessel wherein they are brought  
‘shall be forfeited to the King, and the Body of the  
‘Bringer shall lie at the King's Discretion.

‘It is enacted, That, during the Wars, no Person  
‘do send or transport any Money to the Pope, or to any  
‘Bishop, or other Alien whatsoever, for any Duty  
‘whatsoever.

Petition. ‘That no *Englishman* do farm any Thing of  
‘any Alien Religious, nor buy any of their Goods, nor be  
‘of their Counsel, on Pain of perpetual Imprisonment.

Answer. *This is against the King's Profit, who reaps  
Benefit by such Farmers.*

*Petition.*

*K. Edward III.* *Petition.* 'That all Friars, Aliens, should depart the  
' Realm, never to return hither again.

*Answer.* *Order shall be taken with every General of  
all the Houses of Friars, so to look to all Friars, Aliens,  
under their several Charges, as that they shall not be able  
to disclose the Secrets of the Realm.*

*Petition.* 'That the annual Pension of seven Shillings,  
which Sir Raimond Peligrue received of every Religious  
House within the Realm, may henceforward cease.

*Answer.* *The said Sir Raimond is the King's Liege-  
man, born in Gascoigny, and sworn of the King's Coun-  
cil, by whose Command he receiveth the same.*

*Petition.* 'That the annual Pension of 2000*l.* paid to  
the Abbot of Clugny may cease for ever.

*Answer.* *The same is paid there.*

*Petition.* 'That the Statute made, That the King  
' should present unto any Church of his Gift, falling  
' void, at any Time within three Years, so as, if the  
' Parson had continued therein for three Years, that he  
' should not be turned out, may stand.

*Answer.* *The King will be advised.*

' It is enacted, That no Person bring into the Realm,  
' to any Bishop or other, any Bull, or other Letters,  
' from the Court of Rome, or from any Alien, unless he  
' first shew the same to the Lord-Chancellor, or to the  
' Warden of the Cinque Ports, on Loss of all that he  
' hath.

[ 267 ]

' It is enacted, That all Religious Persons, for Lands  
' purchased since 20 Edward III. and paying no De-  
' mesne therefore amongst the Clergy, shall pay Fif-  
' teenths.'

After this Mr. *John Charleton*, one of the Messengers  
aforesaid, produced Letters from the Bishop of *Durham*,  
from the Earls of *Northampton*, *Arundele*, *Warwick*, *Ox-  
ford*, and *Suffolk*, and from Sir *Hugh le Despenser*, Lord  
of *Glamorgan*, directed to the whole Parliament, pur-  
porting, That whereas the King at his Arrival at *La  
Hogue St. Vast*, in *Normandy*, had knighted his eldest  
Son, the Prince of *Wales*, whereby he ought to have  
an Aid of the Realm, viz. Forty Shillings of every  
Knight's Fee, they would now consider thereof. Here-  
upon

upon the Parliament agreed thereto immediately, and took Order for the speedy levying the same <sup>r</sup>.

It was also order'd in full Parliament, at the Request of the Commons, That the Benefices of all Aliens be seized into the King's Hands, and he to take the Profit of the same; and that, in order thereto, all Bishops should, before the next Convocation, certify into the Chancery the Names of all Aliens, their Benefices, and the Value thereof: Also that no Alien do send Letters out of the Realm, that shall not be first perused by the Lord-Chancellor, or the Warden of the *Cinque Ports*, on Pain of losing all he hath.

This was the Substance of this Parliament's Proceedings; which we are persuaded will not be thought tedious, since the Form of it will evidently shew what Sense the People of *England* had at that Time of the King's great Conquests and Victories in *France*. This Parliament, having sat only ten or eleven Days, was dissolved; which is another Instance to shew that, when Men are so minded, a great deal of Business may be done in a short Time.

The learned Mr *Barnes* opens the seventh Chapter of his second Book in so pompous a Manner, that we cannot forbear transcribing of it. The King, having taken the important Town of *Calais*, had consented to a Truce with *France*, and returned to *England*; when, says this Author, ' Now doth King *Edward III.* stand in the full Zenith both of his Age and Glories; he had but just past the thirty-fifth Year of his Life, and yet was crowned at home, in his Family, with a lovely Row of hopeful Children, a virtuous and beautiful Consort, and in his Kingdoms with Peace and full Prosperity. Abroad, he was renowned above all the Kings of the Earth, for his notable Victories by Sea and Land, in *Scotland*, *France*, and *Bretagne*; for set Battles, for taking of Towns, for Kings slain, Kings routed, and Kings taken Captive; nor was his Moderation less admired, which he shew'd in refusing the Title and Dignity of an Emperor. This, in my Opinion, adds our Author, is the brightest Part of all his Reign, tho' yet another

[ 268 ]

The King returns.

<sup>r</sup> The Letter which *Barnes* mentions to come from the Lords about the King at *Calais*, to desire the Parliament to grant him the Aid for the Knight-hood of his eldest Son, is in *Rymer*, p. 527.



K. Edward III. ‘other King remains to be Captive by his Arms, and  
 ‘another King is destined to recover an usurped Crown  
 ‘by the Aid of his Sword and Fortune.’

In the next Paragraph, Mr. *Barnes* goes on and moralises much on the unhappy Consequences that follow Conquests; by which such a Superfluity of Riches and Vanities were brought into *England*, that from this Period of Time he dates the Beginning of Pride and Luxury, which were ill exchanged for the Native Simplicity and Candour of the *English* Nation. And to which, he thinks, all the Miseries in the subsequent Civil Wars, down to the Reign of *Henry VII.* may be ascribed.

Anno Regni 22.  
 1348.  
 At Westminster. Within five or six Weeks after the King's Return to *England*, out of *France*, he issued out Writs, dated November 13, for a Parliament to meet on the 14th of January following, at *Westminster*. They did not sit on that Day, but adjourned for three more, to give Time, as before, for the more distant Peers and Commons to come up. Being all assembled, Sir *William Thorpe*, Lord Chief Justice, by the King's Command, opened the Cause of the Summons in his Presence, and, in full Parliament, declar'd that it was on two Accounts: [ 269 ]  
 ‘First, Concerning the War with the Consent of the  
 ‘Parliament; next, How the Peace of the Nation might  
 ‘be better kept.’

The Lords and Commons debated earnestly on these Matters for some Time; when, on the fourth Day, the Commons declared, ‘That they were not able to advise any Thing concerning the War, and therefore desired to be excused as to that Point; and that if the King would be advised by his Nobles and Council, what shall be by them determined, they would consent unto, confirm, and establish.’

As to keeping the Peace, and the better Governance of the Land, the Commons presented many Petitions to the King for the Redress of Grievances, and the like: These, with the Answers to them, amount to no less than 70 Articles, and are too copious for our Design: However, there is one, more remarkable than the rest, which must not be omitted. It shews the Jealousy of the

\* *Barnes* takes no Notice of this first Parliament after the King's Return.

† *Des Grants et Sages de votre Conseil.* Rot. Parl.

the Commons, in those Days, on any Impositions or Taxations on Goods or Merchandize, without their Advice and Consent. K. Edward III.

‘Whereas, in a Council holden by *Lionel*<sup>u</sup> the King’s Son, then Guardian of the Realm, it was ordered, *without the Consent of the Commons*, That, for keeping the Realm, and safe Conduct of Merchant Ships, 2 s. should be taken of every Sack of Wooll passing the Sea, 2 s. on every Tun of Wine, and upon every Pound of ———<sup>w</sup> imported, 6 d. to continue ’till *Michaelmas* next; that it would please the King to suffer this Charge to fall, and that he would send Letters to the Collectors of it accordingly.’

Answer. *All Charges, supposed in this Article, are laid down, except 2 s. on the Sacks, which is only to endure ’till Easter next; and forasmuch as these Charges were ordained for safe Conduct of Merchandizes into the Realm, and out of it to foreign Parts, for Provision of which the King hath laid out much Money, it is hoped that the levying of it, for so little a Time to come, cannot be thought grievous.*

The Commons conclude their Petitions with a Desire to the King, That, since they staid there at great Charges and Expences, they might have an Answer speedily, and be dismissed to their own Countries.

How long this Parliament sat is uncertain, as it is indeed of all the rest at this Time. The Records are very punctual in naming the exact Time when they met, but rarely, or never, when they were dissolved. However, we find another called the Year after, to meet on the Monday next after *Midlent*, which happened to be the 17th of *March* that Year. At this Meeting, as usual, Respite was given of a Day or two for all to come up; and, when assembled, the same Sir *William Thorpe* declared the Cause of it to be, ‘That the King had, according to the Truce agreed to at *Calais*, sent Commissioners to the Pope, from whom he had long since expected some satisfactory Answer, but as yet had received none. Also, that sundry Articles of the Truce, touching both the Kings and their Allies, were not  
‘duly

<sup>u</sup> He is called, in the Record, *Leonel de Andovers*, of *Antwerp*, from being born there.

<sup>w</sup> The Word is *des Avoirs*, which we own we cannot translate.

Anno Regni 23.

1349.

At Westminster.

K. Edward III. 'duly performed; and further, that the *French* were  
 [ 270 ] 'preparing a puissant Army, wherewith to invade the  
 'Realm. From all which it appeared that the Truce  
 'was but fickle, and that it was neither safe nor prudent  
 'to rely upon it, but rather to be arm'd betimes against  
 'the worst that might happen; that this War, which  
 'was undertaken by the Advice and Consent of Parlia-  
 'ment, might have a prosperous Ending, and be carried  
 'on with the least Charge to his People. He added,  
 'That the Conservation of the Public Peace at home  
 'was another main Point for their Considerations, and  
 'that this must be done by wholesome Laws, duly and  
 'impartially administer'd.'

Debates arose again amongst them, and continued for  
 some Days; when, at last, the Commons agreed upon  
 an humble Petition, or Representation, to the King, on  
 the present State of the Nation: Which being a Parlia-  
 mentary Proceeding very memorable, must find a Place,  
 as translated from the original Record \*, in these Inqui-  
 ries.

*To their Most Honourable and Most Redoubted Liege  
 Lord, his poor Commons shew,*

The Commons'  
 Representation  
 of the State of  
 the Nation to  
 the King, decla-  
 ring they will  
 grant no Supplies  
 but on Condition  
 of their Grie-  
 vances being re-  
 dressed,

'THAT at his last Parliament he sent the Noble  
 'Earls of *Lancaster* and *Northampton*, and other  
 'Great Men, to tell them that he intended not to take  
 'any Thing more of them, or to charge them farther;  
 'which they had published to the whole Land, for which  
 'they had also thanked him, according to their Know-  
 'ledge, as much as they could, and prayed for him  
 'Night and Day: And yet at this present Parliament,  
 'upon certain News now arrived, he demanded a very  
 'great Charge of his poor Commons. Wherefore they  
 'desire his Noble and Thrice-honoured Grace would  
 'be pleased to understand the Mischiefs and Burdens of  
 'the Commons; that is to say, the reasonable Aid which  
 'had been pardoned<sup>y</sup> in his 14th Year; that is, a Grant  
 'was then made it should not be paid in all his Reign;  
 'to wit, 40s. upon every Knight's Fee, to make his  
 'eldest Son Knight; whereas, by Statute, there was  
 'but 20s. due upon every Fee; besides the Fifteenths of  
 'the

\* Rot. Parl. 22 Edward III.—y Remitted,

the Commons, and Tenths of Cities and Boroughs; *K. Edward III.*  
 Men at Arms, Hobelors, Archers taking of Victuals  
 without paying for them; guarding the Sea; and also  
 the Subsidy of Wooll, by reason whereof every Sack of  
 Wooll, that was the Treasure of the Land, was sold  
 for 40s. less than its Value. And as it would be  
 a great Trouble to the Commons to bear any Charge,  
 that therefore, if the Aid, now to be granted, might  
 not be turned into Wooll, neither by way of Loan  
 or Value, nor in any other Manner, nor levied too  
 hastily, but in the Form it was wont to be granted,  
 and that the Eyres of Justices in the mean Time might  
 cease, as well of the Forest as of the Common Pleas,  
 and general Inquiry in the whole Land: That when  
 this Aid should be levied, that then, for the future, no  
 Subsidy upon Wooll may be granted by the Merchants;  
 and that no Imposition, Loan, or other Tallage, or  
 Charge whatsoever, shall be put upon them (the Com-  
 mons) by the Privy Council, without their Grant and  
 Consent in Parliament; and that two Prelates, two  
 Lords, and two Justices might be assigned to hear and  
 dispatch their Petitions, which were not answer'd in the  
 last Parliament; and that their Petitions in this Par-  
 liament might also be answered according to Reason,  
 and the Answers to remain in Force, without being  
 changed or altered: That the Justices do inquire of  
 false Money, which ruins the People: That *David*  
*Bruce, William Douglas*, and other Chief Men of *Scot-*  
*land*, may in no Manner be releas'd, neither by Ransom,  
 nor upon their Faith: That the King would restore  
 the 20,000 Sacks of Wooll taken of the Commons by  
 way of Loan: That an Aid to marry his Daughter  
 might not be taken in the mean Time; and that there  
 might be no Marshalsea in *England*, except that of the  
 King, or the Guardian of *England*, when He was out  
 of the Kingdom.

Upon these Conditions, and not otherwise, as also  
 that they may be entered in the Parliament-Roll, as  
 Matter of Record, by which they might have Remedy,  
 if any Thing should be done to the contrary in Time to  
 come, the said poor Commonalty, to their very great  
 Mischief, grant to the King three Fifteenths, to be le-  
 VOL. I. T vied

See before, p. 263, 281, et sequent.



K. Edward III. 'vied in three Years, to begin at *Michaelmas* next co-  
 [ 272 ] 'ming, so as every Year one Fifteenth may be levied, and  
 'no more, at two Terms in the Year, viz. *St. Michael*  
 A Subsidy grant- 'and *Easter*, by even Portions; and that this Aid may be  
 ed on Terms. 'assigned and reserved only for the War, and not to  
 'pay Debts; and if the War should cease, or a Truce  
 'be made, then the Fifteenth of the last Year not to be  
 'levied. That of these Conditions, and the Manner  
 'of this Grant, Letters Patent should be made, and sent  
 'into all Counties, without paying any Thing for them;  
 'wherein should be mentioned the great Necessity the  
 'King was in after the last Parliament; and in Case  
 'the War should break out towards *Scotland*, the Aid  
 'granted beyond *Trent* should be employed for the De-  
 'fence of those Parts, as it had been formerly.'

Mr. *Barnes* has given us, from the Record, the further Petitions of this Parliament to the King, with his Answers; but as many of them are not very material, we shall refer to that Author, and only mention one of the last. 'In this was contained a long Complaint against 'Foresters, for afforesting of Men's Purlieus, for undue 'Trial, and for Extortions; to which was added a Re- 'quest, that *Magna Charta* may be observ'd, and that all 'Men may enjoy their Purlieus according to the Peram- 'bulations in the Time of King *Edward I.*'

Answer. *The King wills that Magna Charta be kept inviolable; and those that will complain in Right of their Purlieus may have Writs out of Chancery to redress them.*

Another Author observes upon this, how sensible the Commons of *England* have been upon any Infringement of their Great Charters of Liberties and Forests; and also how ready the greatest and most powerful of our Kings have been to give them all due Satisfaction to such Petitions or Demands, in their own Way<sup>w</sup>.

If

<sup>w</sup> *Tyrrel*, p. 555. In the *Public Acts* we find a Writ directed to the King of *Scots* to come to this latter Parliament; which, for the Rarity of it, deserves a Transcript.

*Rex, magnifico Principi et fideli suo Edwardo, eadem Gratia, Regi Scotiæ, Consanguineo suo carissimo, Salutem.*

*Quia pro magnis et arduis Negotiis, tam nos et Statum nostri Angliæ, quam vos et Terram et Gentem Scotiæ summe concernentibus, Parliamentum nostrum apud Westmonasterium ad Diem Lunæ, proximam post Diem Do-*  
*minicam*

If we have been too prolix in our last Proceedings, we K. Edward III.  
have now a Chasm of Time in which we can meet with  
nothing to our Purpose. An universal Plague, intro- [ 273 ]  
duced by many frightful Prodigies, which our Biographer  
*Barnes* has given us, and which at last ravaged this  
Island in a dreadful Manner, prevented all Parliamentary  
Meetings for full two Years \*. But,

The King, towards the latter End of the Year 1350,  
having Occasion for the Advice of Parliament, issued  
out his Writs of Summons, dated *November 25*, for one  
to meet on the Feast of *St. Hilary*, or *January 13*, fol-  
lowing. On which Day being met, it was further ad-  
journed to the 15th of *February* next after; that none  
might plead for Excuse they had not Time enough given  
them to appear in.

This Parliament, by the Records, was held, by Com-  
mission, the King and Prince of *Wales* being both absent.

Upon the Day appointed the King's Commission was Anno Regni 25.  
read, in the *Painted-Chamber* at *Westminster*, authorizing 1351.  
Prince *Lionel* to hold a Parliament during the King's At Westminster.  
Absence; who it seems was gone upon some Progress,  
or Expedition, of which our Historians are silent: But,  
being prorogued for some Days, in the mean Time the  
King returned. Being again assembled, Sir *William de*  
*Shareshall*, the Lord Chief Justice, in the Presence of the  
King, Lords, and Commons, declared, ' That the Cause  
' of their Summons was, first, because the King, in the  
' 22d Year of his Reign, had held a Parliament, which  
' he was hindered from continuing, as also from calling

T 2 another,  
*minicam in medio Quadagesimo proximo futurum, tenere, et ibidem cum*  
*Praelatis, Magnatibus, et Proceribus dicti Regni nostri Colloquium habere vo-*  
*lumus et tractatum.*

*Et, ideo vobis, in Fide et Homagio, quibus nobis tenemini, mandamus*  
*quod, omnibus aliis prætermisissis, ad dictos Diem et Locum personaliter in-*  
*terfistis, ibidem nobiscum et cum Praelatis, Magnatibus, et Proceribus prædictis,*  
*super Negotiis prædictis, tractaturi, vestrumque Consilium impensuri; et hoc*  
*sicut nos et Honorem nostrum et Vestrum, diligitis, nullatenus omittatis.*

*Teste Rege apud Westmonasterium, decimo quarto Die Februarii.*

*Fæd Ang. Tom. V. p. 611, 612.*

\* In a Writ to the Bishop of *Winchester*, *Jan. 1, 1349*, a Parliament is  
prorogued, which was to have met on the Monday after the Feast of *St.*  
*Hilary*, to 15 Days after *Easter*. for this Reason, *Quia tamen subita Plaga*  
*Pestilentie mortalis in Loca prædicto, et aliis Partibus circumvicinis. adeo*  
*Indes invalescit, quod de securo Accessu hominum ad Locum illum formidatur*  
*admodum hiis Diebus.* *Fæd. Ang. Tom. V. p. 655.*

And by another Writ they are again prorogued, for the same Reason, *ad*  
*novam Præmunitionem per nos inde faciendam, &c.* *Idem, p. 658.*

K. Edward III. ' another, by reason of the late dreadful Plague, to this  
 ' Time. That the Business of the Wars now required  
 ' their Concurrence, because the Peace was not punctu-  
 ' ally observed; and several Domestic Affairs wanted to  
 ' be taken into Consideration by them; particularly, that  
 ' Labourers refused to do their Work at reasonable and  
 ' usual Rates : And, lastly, because the Treasure of the  
 ' Realm was exported.'

The Cause of the Meeting being thus opened, the King, by the said Chief Justice, commanded the Commons to consider and advise what was best to be done to redress these Evils. In Obedience to which, and for the remedying the excessive Wages of Labourers, there was then enacted that remarkable Statute *de Servientibus*, the 25th of this King ; which, tho' now obsolete, is in our *Statutes at large*<sup>y</sup>. It was also enacted, That every Man that purchased any Provisions of Abbies or Pories, in the Court of *Rome*, both he and his Executors, which did sue and make Executions of such Provisions, should be out of the King's Protection, and dealt with as Enemies to the King and Kingdom<sup>z</sup>.

The Act passed,  
 declaring what  
 Offences shall be  
 deemed Treason,  
 &c.

The Declaration of what Offences shall be judged Treason was now passed into an Act; which has ever since been the great Barrier betwixt the Kings of *England* and their Subjects.

There is not any particular Petition made from the Commons to the King for the enacting this Statute, on the Rolls of Parliament, yet it is among the *Statutes at large*, and seems to have been made because the Judges had heretofore, in their Trials of Persons, condemned them as Traitors, on several Causes, which the People did

<sup>y</sup> There had been an Alteration and Reduction made in the *English* Coin about this Time, that though it wanted in Weight, yet it was made to pass according to its former Value. And whereas before there were no other Pieces of Money, but Nobles and Half-Nobles, with small Pieces of Silver called Sterlings, the King caused Groats and Half-Groats, of equal Value with the Sterling Money, to be coined, which raised the Prices of Provisions and Commodities, which usually rise and fall according to the Plenty or Scarcity of Money, and made Servants and Labourers to raise their Wages. For which Reason this Statute was made to reduce the same to the usual Rates given before the late great Mortality. *Sam. Daniel* in *Kennet*, p. 224.

For the Statute of Labourers, and the Wages assigned every particular Craft, see *Statutes at large*, *An. Reg.* 25 Edw. III. 1350.

<sup>z</sup> Call'd the second Statute of *Provisors*. See *Hawkin's Statutes at large*, 25 Ed. III. p. 450. And *Collier's Eccles. Hist.* p. 554.

See before, p. 253, 270.

did not know was Treason. The Parliament, confider-<sup>R. Edward III,</sup> ing how to settle this material Point between the King and the Subject, wisely enacted this Statute, which, to this Day, fixes what particular Points are to be deemed Treason. ‘ This excellent Act, says a late Historian<sup>a</sup>, ‘ so justly celebrated in After-Ages for the Security it ‘ afforded to the Lives and Estates of good Subjects, ‘ seems to have been occasioned by the Corruption of ‘ the Judges; who, in order to defraud the Nobility and ‘ Gentry of the Escheats of Lands forfeited to them as ‘ Lords of the Fee by their Vassals, in certain Cases of ‘ Felony and Misdemeanor, and to vest the same in the ‘ Crown, multiplied Treasons at their Pleasure; and it ‘ was for this Reason that they were, in the latter Part ‘ of this Statute, expressly restrained from adjudging, by ‘ Parity of Reason, Inference, or Similitude of Case, ‘ any other Facts to be Treason; but were to suspend ‘ Judgment, till the Case should be laid before the Par- ‘ liament for its Determination, whether it should be ‘ deemed Treason or Felony.’

The Judges, or those who were put in that Authority by the King in those Days, did not behave themselves, in their several Stations, as that just Monarch could wish. Some Instances of this Kind are previous in this Reign; and now, in this very Parliament, a Lord Chief Justice was brought before them, accused, tried, and sentenced for Bribery, contrary to his Oath. This was the same Sir *William Thorpe* who is named as Prolocutor to some former Parliaments, and who the King caused to appear before the present Assembly, to have the Sentence confirmed which had been passed upon him, and which was no less than Hanging. The King pardoned him as to Life, but rendered him incapable of serving him ever after.

The before-quoted modern Historian takes Occasion here to remark, but does not cite his Authority, That no Lawyer sat in this or the last Parliaments which made such admirable Laws for the Good of the Kingdom. He then proceeds and gives us a long Disquisition on this Question, Whether Lawyers should be excluded from sitting in Parliament or not? And

T 3

quotes

<sup>a</sup> *Carte's History of England*, Vol. II. p. 480. See also *Appendix* to this History, p. 1. for the whole of this Act.



*K. Edward III.* quotes several Instances, by Extracts, out of the Body of Writs for summoning divers Parliaments, that they were expressly forbidden. The whole is a very long and learned Dissertation on this important Point; we believe the Facts quoted to be just, but whether they amount to what the Author means to prove, *viz.* That Lawyers then were, and ought for ever to be, excluded from Parliament, we leave to the Gentlemen of the Long Robe to determine <sup>b</sup>.

There are many Petitions with their Answers enter'd on the Rolls in this Parliament, which are too long for our Purpose.

[ 275 ] Our more general Historians tell us that there were some Promotions made at this Time, which deserve our Notice. *Henry Earl of Lancaster* was created Duke of the same, as an Acknowledgement for the great Services he had done the Crown, by the general Consent of the whole Parliament <sup>c</sup>. He was invested by girding on a Sword, and had Power to hold a Court of Chancery in the County of *Lancaster*, to issue out Writs under his own Seal; and also to hold Pleas concerning Civil Causes arising within that Duchy. This deserves more Notice, because it is commonly said that *Lancaster* was not advanced to a County Palatine till the Reign of *Henry IV.* But as Prince *Edward* had been before created the first Duke that ever had been in *England*, so this Duke of *Lancaster* was the second that was advanced to that Dignity. At the same Time also the Lord *Ralph Stafford*, for his eminent Services, was advanced to the Title of Earl of *Stafford*; and 1000 Marks Pension a Year was given him by the King, till he could provide Lands of that Value to settle on him and his Heirs for ever <sup>d</sup>.

Mr. *Tyrrel* observes that there is an Error in the Parliament-Rolls made by the Clerk, by entering this Parliament where the next should be, which was called the Year after. For, says he, the Writ of Summons, for the succeeding one, bears Date *November 15*, to meet on the 13th of *January* following; and as this King

<sup>b</sup> *Vide Carte*, p. 480.

<sup>c</sup> By the King's special Charter, dated *March 6*, *A. R.* 25. *Fæd. Ang.*

<sup>d</sup> The famous Order of the Garter was at this Time first instituted at *Windsor* by the King; *Cui tantus deinde accessit Honor, ut maximos quosque Reges non pœnituerit in id venire Collegium.* *Pol. Verg. Lib. xix. p. 378.*

King begins his Reign from the first of this Month, it K. Edward III. must be in the 26th, and not the 25th Year of it. By which, adds this Author, the Reader may find that Errors may sometimes happen in Records themselves; and must be corrected either by other Records, or the History of the Times.

But the Error is in Mr. *Tyrrel*, and not in the Clerk; for *Edward III.* began his Reign on the 29th of *January*, 1327, and was crowned on the first of *February* following (hasty Work, indeed, but was what the Necessity of those Times requir'd); so that the Meeting of this succeeding Parliament must be still in the 25th Year of this King<sup>e</sup>.

And accordingly on the 13th of *January* the Parliament met, but was adjourned for five Days on Account of the Absentees; when, being all assembled, the Parliament was open'd by a Speech from Sir *William Sheresball*, the Lord Chief Justice, declaring the Occasion of the Summons to be, for setting forth the King's Title to the Crown of *France*; telling them, ' That *Philip of Valois* had usurped it all his Life; and not only so, but moved ' War against him in *Gascoigny* and other Places, seizing ' upon his Rights and Possessions, and doing all the Mis- ' chiefs to him, both by Sea and Land, that was in his ' Power, which they well knew, in Subversion of him ' and his Realm of *England*: That in former Parlia- ' ments this Matter had been propounded in Behalf of ' the King, and their Advice requested what was best ' to be done; and that it had been declared, after good ' Deliberation, they knew no other Way to advise the ' King, than to procure Allies to go against his Adver- ' sary by main Force, and to do this they had promised ' to aid him with Body and Goods. Whereupon the ' King made Alliances with several foreign Princes and ' Powers, and, by the Help of the good People of *Eng- ' land*, he made War upon him, because he could not ' bring him to a reasonable Peace. That the King and ' his Adversary had often assented to Truces; but his ' Enemy, during those Truces, imagining to deceive ' the King, broke them every Way, continuing his Ma- ' lice

Anno Regni 25.  
1351.

At Westminster.

[ 276 ]

The King's Title  
to the Crown of  
*France* asserted in  
this Parliament.

<sup>e</sup> In the Record, these Parliaments are divided into *Pars prima* & *secunda*, which might be for *Parlamentum primum* & *secundum* in the same Year.

K. Edward III. 'lice against him and his Friends. That now, after  
 ' Philip's Decease <sup>f</sup>, John, his Son, continuing the  
 ' same Wrongs his Father had maintained, possessed the  
 ' Kingdom of *France*; and, contrary to the last Truce,  
 ' confirmed and sworn to by both, had broken it both  
 ' in *Gascoigny* and *Britany*, and also upon the Sea; and  
 ' had actually sent to *Scotland* to renew the antient Al-  
 ' liance made between them, wholly tending to the Sub-  
 ' version and Destruction of his People of *England*.  
 ' Wherefore the King much thank'd his Commons for  
 ' the Aids they have already given him, and for the  
 ' [ 277 ] Good-will he had always found in them, and prays  
 ' them that they would take Time to consult about this  
 ' untill the next Day, and that, at Sun-Rise in the  
 ' Morning, they would come to the *Painted-Chamber* in  
 ' *Westminster* to deliberate, and to hear if the King  
 ' would say any Thing further to them; and to shew  
 ' the King their Grievances, if they had any, that Re-  
 ' lief might be given them at this Meeting.' He con-  
 ' cluded his Speech with charging the Commons, in the  
 ' King's Name, to shorten their Stay in Town; and, for  
 ' the quicker Dispatch of Business, that they would im-  
 ' mediately make Choice of 24 or 30 Persons, out of their  
 ' whole Number, to be, in the Morning, at the *Painted-*  
 ' *Chamber*, and the King would send a Number of Lords  
 ' to them to confer about the Business of the Nation.

A Supply granted  
 against *France*,  
 upon certain  
 Conditions.

After this Declaration from the Chief Justice, and  
 another from Sir *Bartholomew Burghersh*, the King's  
 Chamberlain, to the same Purpose, the Commons chose  
 a Committee, as directed, who had several long Con-  
 ferences with the Lords, as well to raise a necessary Aid  
 for the King, as to draw up Petitions concerning the  
 Rights of their Constituents. When all was ready, the  
 Commons, in their whole Body, came before the King  
 in full Parliament, and represented to him, ' That the  
 ' common People of the Land were much impoverish'd  
 ' by the late mortal Pestilence, as well as by other Bur-  
 ' dens, Taxes, Tallages, and many other Payments laid  
 ' upon them <sup>a</sup>; yet, notwithstanding all these Damages,  
 ' having a due Regard to the National Interest and De-  
 ' fence

<sup>f</sup> This King of *France* died August 10, Anno 1350, and was succeeded  
 by John Duke of *Normandy*, his Son.

<sup>a</sup> Par autres Somers, Taxes, Taillages, et plusurs autre Cheevances, &c.  
 Rot. Parl. 25 Edward III. *pari secunda*, No. 9.

‘ fence against the Malice of their Enemies, they deli- K. Edward III.  
 ‘ vered the King a Roll, containing both the Aid which  
 ‘ they had unanimously granted him, and their Petitions  
 ‘ concerning the Commons of *England*, to which they  
 ‘ prayed the King to give good and speedy Answers.’  
 The King granted their Request, thanked them for the  
 great Aids given before, and for this now granted; and  
 for the Good-will and Kindness he had always found in  
 his Commons, as well in this as in former Affairs.

Then follows the Grant of three Tenths and three  
 Fifteenths to the King, by the Lords and the whole  
 Commons of the Land, in order to supply his great Ne-  
 cessities. This Tax was to be raised as the last Tenths  
 and Fifteenths were, within three Years, upon the Con-  
 ditions following:

[ 278 ]

‘ That all Fines, Profits, Amerciaments, and Imposts,  
 ‘ levied, or to be levied, upon Labourers, Artificers,  
 ‘ Regrators, &c. who were for taking more Wages,  
 ‘ were to be paid towards raising the Subsidy.’ But this  
 Statute, together with the Answer to it, is now obsolete.

‘ That hereafter no Tax, Tallage, Aids, or Charges  
 ‘ be demanded or levied on the Commons; and that all  
 ‘ the reasonable Petitions, prayed by the Commons,  
 ‘ may be granted, confirmed, and sealed before the Dis-  
 ‘ solution of this Parliament.’ To which the King’s  
 Answer was, ‘ That, as to the Tax and Tallage, it is  
 ‘ not the Intention of the King, or the Lords, that they  
 ‘ should ever be charged without the Consent of the  
 ‘ Commons; and, as to granting their other reasonable  
 ‘ Petitions, the King is pleased it should be done.’

The Commons pray also, ‘ That the Loans which  
 ‘ were granted to the King by many of that Body, may  
 ‘ be released; and none compelled to make such Loans  
 ‘ for the future against his Will, for that it was against  
 ‘ Reason and the Franchise of the Land; and that Re-  
 ‘ stitution might be given to those who had made the  
 ‘ Loans.’ The King’s Answer was, ‘ That it should  
 ‘ be done.’

‘ Also, that whereas the King’s Justices, assigned to  
 ‘ several Counties, had judged many Men that were  
 ‘ arraigned before them as Traitors, for divers Causes  
 ‘ not known to the Commons to be Treason; therefore  
 ‘ it was desired that the King and his Council, and the  
 ‘ Great



**K. Edward III.** Great and Wise Men of the Land, would please to declare the Points of Treason.' The Answer was, 'That a Statute was made in the last Parliament, setting forth and declaring what Crimes shall be Treason for the future.' This we shall have often Occasion to mention in the Sequel.

It will not be amiss to add somewhat of a private Concern, which was transacted in this Parliament. The Lord *John Maltravers*, who was thought to be one of the Murderers of King *Edward II.* having some Years before come in and submitted himself to the King's Mercy, and lately received his Pardon, now petitioned to have it confirmed in Parliament; which, in Consideration of his late faithful Service to the King in *Flanders*, was granted accordingly, and he was again restored to his Honour and Estate, which had been long seized into the King's Hands <sup>b</sup>.

In the succeeding Year, 1353, *An. Reg. 27 Edw. III.* the King called another Parliament to meet at *Westminster* on the *Monday* next after the Feast of *St. Matthew* the Apostle, by Writs dated the 15th of *July* foregoing. This Meeting, in the Record, is only called a Great Council, (*in Magno Consilio*) composed of about sixty Lords, one Knight for each County, and one Member for each City or Borough; but yet we shall find them enacting Laws, equal to the Power of a full Parliament.

[ 280 ] It was not, however, 'till the 7th Day of *October* that this Parliament, or Council, sat to do Business; when, being all assembled in the *White Hall*, or Chamber, of *Westminster*, the Lord-Chamberlain, *Burghersh*, delivered the King's Mind to them as follows:

'That the King, considering how he might best ease his People, that had been often charged with Impositions and great Aids, by reason of the War with his Adversary of *France*, who detained his Right of Heritage to that Crown from him, had sent lately some of the most Noble Lords of his Realm, viz. the Archbishop of *Canterbury* and the Duke of *Lancaster*, with other

<sup>b</sup> See before, p. 207, 208, 224, 225.—The King's Charter of Pardon for this Man is entered at Length on the Rolls. It is in *Latin*, and is very full and particular, and is dated at *Westminster*, Feb. 8. *An. Reg. 26*; which shews that this Parliament sat both in the 25th and 26th Years of his Reign.

other Prelates and Noblemen, to *Guifnes*, to treat with *K. Edward III.* his Adversary in Presence of a Cardinal, whom the Pope had sent thither as a Mediator; and that, after the Treaty, he had sent his Confessor to the Pope, to acquaint him that, considering the many People that had been killed in this War, and desiring to spend the rest of his Time in another more holy one, to the Honour of God, if his Adversary would make Restitution of the Duchy of *Guyenne* to him, as entirely as any of his Ancestors had enjoyed it, to hold it freely without any Homage or Service, he was willing, when the War was ended, to resign his Title to the Crown of *France*. That the Pope had moreover been desired to sound his *French* Adversary's Inclination to a farther Treaty; yet, with Protestation, That, if he should not accept it, all his Rights should be entirely saved to him, as if no such Offer had been made. To which Message the King not having received any Answer from the Pope, he had sent another by the Archdeacon of *Huntingdon*, *William de Witlesey*, to know what had been done in this Affair, who brought back nothing worth reporting; wherefore it seemed necessary to the King and the Lords of his Council, that he should prepare himself for the War against his Adversary, as well for the Defence of *England* as to recover his Rights, for which he ought to have a great Sum of Money granted to him.

[ 281 ]

The said Chamberlain shewed further, 'That the late Tax, or Subsidy, on Wooll, Leather, and Wooll-fels, ending at *Michaelmas* last, it was not the King's Intentions to lay any new Tax or other Charge upon his People, yet he requested the Parliament to grant him the said Subsidy for some Time longer.'

This Request being considered by the Three Estates, and deliberated upon, they all unanimously agreed to grant the King this Subsidy of Wooll, &c. to receive it, as before, from *Michaelmas* last for three Years to come, if the War should continue so long; upon Condition that the Money, arising from this Subsidy, should be kept solely for the War, and not applied to any other Use.

A farther Grant for the same Purpose.

There were likewise several excellent Laws made in this Council, or Parliament, as, particularly, that of the Staple;

**K. Edward III.** Staple<sup>c</sup>; whereby it was enacted, That the great Markets for Wooll, Wooll-fels, Leather, and Lead should be held in *London, Westminster, York, Bristol*, and divers other Cities and Towns therein mentioned; with several Rules and Restrictions for well regulating the same. This Act, or rather Ordinance, was made, as was declared by the Chief Justice *Sharesball*, because the Staple of Wooll, the sovereign Merchandize and greatest Jewel in the Kingdom of *England*<sup>d</sup>, had heretofore been held in Parts beyond Sea, to the enriching of Foreigners and Strangers: Therefore, &c. as is before recited. The Ordinance is in the King's Name only, and consists of near forty separate Articles; but in the last it was ordered to be proclaimed and published in every County in *England*; and also, for greater Force, that it should be rehearsed and inrolled in the Proceedings of the next Parliament.

**Anno Regni 28.** The Year 1353 being ended, the King, on the 15th of *March*, in the next Year, sent out his Writs of Summons to call a real Parliament to meet at *Westminster*,  
**1354.** *April* the 28th following. Being accordingly assembled, the aforefaid Lord Chief Justice declared, in the Presence of the King, Lords, and Commons, in the *Painted Chamber*, 'That the Cause of this Parliament's being called, was for three Things: *First*, For establishing the Staple within the Realm, and for Confirmation of the Ordinances made in the last Great Council about it. *Secondly*, How they might treat of a Peace with *France*; for that by War the King saw his Subjects greatly wasted. And, *Thirdly*, For receiving of Petitions and redressing of Grievances; all which without a Parliament could not be effectually done.'

A

<sup>c</sup> *Staple* signifies this or that Town whither the *English* Merchants were obliged, by Act of Parliament, to carry their Wooll, Cloth, Lead, and Tin, and such-like Staple Commodities, in order to sell them by the Great. For the Etymology of this Word, see further in *Blount's, Cowell's*, and *Jacob's Law Dictionaries*.

It seems the King was displeased with the *Flemmings* for disappointing him in the Match between his Daughter and their young Earl *Lewis*. and removed the Staple of Wools from their Towns, which were greatly enriched thereby, and caused it to be kept at home, judging it more convenient to enrich his own Towns than Strangers, by the Commodities of his Kingdom. *Daniel in Kennet*, p. 224.

<sup>d</sup> *Que sont la souveraine Marchandise et Jewel de son Roialme d'Angleterre.* Rot. Parl. 28 Edw. III.

A Day or two after the Lord-Chamberlain inform-<sup>K. Edward III.</sup>  
 ed them, ' That there were great Hopes of bringing  
 ' about a Peace between *England* and *France*, by Means <sup>The King de-</sup>  
 ' of certain Commissioners appointed, on both Parts, for <sup>mands the Opi-</sup>  
 ' that Purpose; yet the King would not conclude any <sup>nion of his Par-</sup>  
 ' Thing without the Consent of his Lords and Commons; <sup>liament concern-</sup>  
 ' wherefore he demanded of them, in the King's Name, <sup>ing a Peace with</sup>  
 ' Whether they would assent and agree to a Peace, if it <sup>France.</sup>  
 ' might be had by Treaty?' To which the Commons  
 answered, with one Accord, ' That what should be  
 ' agreeable to the King and his Council in making of  
 ' this Treaty, would be so to them.' But the Commons  
 being asked again, ' If they consented to a perpetual  
 ' Peace, if it might be had?' They all unanimously  
 cried out, *Oil, oil, Yea, yea.* Upon which Dr. *Michael*  
*Northburg*, Keeper of the Privy Seal, commanded Dr.  
*John de Swineley*, the Pope's Notary, to enter this in  
 a public Instrument, which was to be laid before the  
 Pope at *Avignon*.

[ 283 ]

Mr. *Tyrrel* observes here that Parliamentary Proceed-  
 ings were not then reduced to that Form and Regularity  
 which they have been brought to since that Time; the  
 Commons here giving their Opinions, *viva Voce*, and  
 in the Presence of the Lords, to what the King demand-  
 ed of them. He adds, That, for Redress of Grievances,  
 he can find none, but what had been done in the pre-  
 ceding Parliament.

In this Parliament it was that the Lord *Roger Mortimer*, Grandson to the famous *Roger Mortimer*, who was  
 attainted and executed three-and-twenty Years before, <sup>Attainder of Lord Mortimer and others re-</sup>  
 was restored to Blood, and the Judgment against his said  
 Grandfather reversed, as being contrary to Law<sup>s</sup>. The  
 like Favour also *Richard Fitz-Alan*, Son to *Edmund* Earl  
 of *Arundele*, who had been attainted in the Beginning  
 of this Reign, obtained on Behalf of himself and his said  
 Father. Which Examples, says *Tyrrel*, may serve to  
 shew us, that it is the Duty of succeeding Parliaments  
 to correct and reverse whatsoever hath been unjustly and  
 too severely enacted by those that preceded. But as  
 these, and some others before mentioned, were all at-  
 tainted for the misguiding and even murdering of his  
 Father, it must seem strange in this King to pardon, or  
 restore, any of them.

Tho'



K. Edward III.

Tho' neither the last-named Author nor Dr. Brady give us any Petitions from the Commons for Redress of Grievances this Parliament, yet Joshua Barnes is not so silent in the Matter, and, from the Records themselves, has given a great many Petitions, which the Reader may take as follow:

*The Commons' Petitions, with the King's Answers thereto, were these:*

Petitions of the Commons.

*Commons.* ' That the Justices of the Peace be of the best of every County; and that upon the displacing any of them, others be put in at the Nomination of the Knights of the said County; that they sit, at least, four Times every Year, and that none be displaced but by the King's special Command, or the Testimony of his Fellows<sup>h</sup>.

*King.* *This first Petition is reasonable, and the King will see that it be done.*

[ 284 ]

*Commons.* ' That the Surplusage of the Fines of the Statute of Labourers may be intirely distributed among the Poor of the whole County, and not to poor Towns only.

*King.* *It shall be parted among the poor Towns only.*

*Commons.* ' That the Writ of Estreat may lie in every Action where the Party shall recover Damages of Estreats after the Writ purchased.

*King.* *The old Law shall be continued.*

*Commons.* ' That Remedy may be had in such Cases where the King receiveth the Profits of the Ward's Lands, as well of Soccage as otherwise, where no Part of the same is holden of him.

*King.* *The Law heretofore used shall continue.*

*Commons.* ' That it may be ordered whether the Tenants of such as hold by Barony, and are summoned to Parliament, shall contribute to the Payment of Knights' Fees coming to Parliament.

*King.* *As heretofore, so the same shall be.*

*Commons.* ' That present Pay be made of all Purveyances, being under 20s. and of greater within one Quarter of a Year, and that Purveyance be made without Malice.

*King.* *It is good to make Payment according to the first Point, and to redress the second.* *Com-*

<sup>h</sup> This Petition and Answer is not in Barnes, but is on the Rolls,

*Commons.* 'That all Sheriffs be charged to make pre-<sup>R. Edward III.</sup> sent Payment for all Purveyances for *Calais*.

*King.* *The Demand is reasonable.*

*Commons.* 'That any one attainted upon a Writ of Oyer and Terminer may bring his Attaint, pending his Suit against the other.

*King.* *The Lords will not alter the Order of the Law.*

*Commons.* 'That the Lords of the Marches of *Wales* do suffer no Distresses to be made on any *Englishmen* coming into *Wales*, for any other Men's Debts, if he be no Debtor, Trespasser, or Surety.

*King.* *As heretofore, so the Law shall be.*

*Commons.* 'That no Inquest upon Conspiracy, Con-<sup>[ 285 ]</sup> federacy, Maintenance, or such-like, be returned, but by the Sheriff, of the most lawful Men, and nighest in that Part of the Country where such Acts are laid; that all Evidences therein be given openly at the Bar, and that no Man speak with the Jury after they depart therefrom.

*King.* *This last Petition is agreed to.*

*Commons.* 'That the King will appoint a Time when the Coin shall be made finer <sup>h</sup>.

*King.* *With Opportunity the King meaneth the same.*

*Commons.* 'That the King have the Forfeitures of Widows Dowagers; but not of such as hold jointly with their Husbands.

*King.* *The old Law shall stand.*

*Commons.* 'That the Writ of Appeal brought, pending another, may abate the other.

*King.* *The Common Law therein used shall continue.*

*Com-*

<sup>h</sup> Now, for the better understanding of this Petition, it is to be noted, that, about four Years before this, *William Edindon*, Bishop of *Winchester*, the Lord-Treasurer of *England*, had caused Groats and Half-Groats to be coined, to the People's great Disadvantage; for they wanted something of the just Sterling Weight. This occasioned the Price of all Things to be very much enhanced; whereupon, at the Commons' Complaint now in Parliament, the King promised to redress their Grievance the first Opportunity. Yet however, many Times after those Days, the like Practice had been used, insomuch that now Five Shillings scarcely contain so much Silver as five Groats had three or four Hundred Years ago; so that it is no Wonder, if Things be sold at treble the Price which they held at that Time. For hereby also it comes to pass, that the Prince and Nobility cannot possibly maintain their Estates with their antient Rents and Revenues, because, tho' they bring them in the old Tale and Number, yet they fall far short in the due Weight and Quantity of Metal. *Earnes's Edward III.*

See *Hollinghead's Eng. Chron.* p. 948. Also *Gedwin's Catalogue of Bishops*, p. 234.

**K. Edward III.** *Commons.* ‘ That Weights and Measures may hence-  
 ‘ forth be made in the City of *London*, so as all Counties  
 ‘ do conform themselves according thereto.

*King.* *There is a Standard in the Treasury, where  
 every Man readily may have the same.*

[ 286 ]

*Commons.* ‘ That the Writs of Chancery may be at  
 ‘ reasonable Prices ; and that the Clerks of the Crown,  
 ‘ and others for Commission and such-like, do content  
 ‘ themselves with the King’s Allowance.

*King.* *As heretofore the same shall be.*

*Commons.* ‘ That Fines for Writs may be reasonably  
 ‘ made in every of the King’s Courts.

*King.* *The Chancellor shall do as heretofore.*

*Commons.* ‘ The Commons beyond the *Trent* require  
 ‘ that the Justices of the one Bench or of the other, may  
 ‘ yearly come twice amongst them, for taking Cogni-  
 ‘ zance of Fines and Letters of Attorney of the Unable.

*King.* *The King will be advised.*

*Commons.* ‘ That Labourers may take Corn for their  
 ‘ Wages.

*King.* *The Statute made shall be observed.*

*Commons.* ‘ That the Staple may always continue in  
 ‘ *England*.

*King.* *The same shall so continue till the next Parlia-  
 ment, not to be alter’d without the Assent of the Parliament.*

*Commons.* ‘ The Merchants Strangers require, that  
 ‘ the Ordinances of the Staple may be executed speedily.

*King.* *The King willeth the same.*

**The French break  
 the Truce,**

As it has been ever found that neither Peace nor  
 Truce can be had from the *French* which they will  
 not break at their first Conveniency ; so now, the Treaty  
 of Peace being ended ineffectually between the two  
 Crowns, Prince *Edward* was sent over again with a  
 powerful Army, the next Spring, who took many Towns,  
 and burnt and ravaged the Country in a terrible Man-  
 ner. In Summer the King went in Person, and he was  
 carrying on his Conquests very fast, when a Diversion  
 was made in *Scotland*, a Party of *Scots* having, by Sur-  
 prize, taken the important Town of *Berwick*, and made  
 some Inroads into *England*.

[ 287 ]

**And the Scots  
 revolt.**

Before the King went over into *France*, he sent out  
 his Writs of Summons for a Parliament to meet on the

12th of *November* following; about which Time *Edward*, K. *Edward III.* being at *Calais*, heard of the Loss of *Berwick*, and prepared himself not only to meet his Parliament, but to recover that Town: However, it was not till the 25th of that Month that he could get to *Westminster*, to which Time the Parliament had been put off, by several Adjournments. Being at length all assembled, the Lord Chief Justice *Sharesfall* told them, That it was his Majesty's Pleasure that Sir *Walter Manny* should declare to them the present State of the King's Affairs, being best able to do it; and he accordingly deliver'd himself to this Effect<sup>a</sup>.

Anno Regni 29.  
1355.

At *Westminster*.

‘ He first gave them an Account of the late Treaty before the Pope, and how it had been broke off by the Obstinacy of the *French* Commissioners: That, in order to conclude a Peace, he had sent the Duke of *Lancaster*, with others, to the Pope's Court at *Avignon*; and that, during his Stay there, the King of *Navarre* had complained to the said Duke of sundry Damages done to him by the *French*, and affirmed, upon Oath, that he would willingly enter into a League with the *English* against them; and, for Assurance of the same, engaged himself to meet his Majesty at the Island of *Jersey* with as great Power as he could raise: That the King, upon the Return of the said Duke, and Knowledge of the Affair, with a great Army and Navy, set Sail from the River *Thames* towards *Jersey*; but, being beat back by contrary Winds, he was driven, with much Hazard, into *Portsmouth*, where he staid till he was credibly informed that the said King of *Navarre* had actually made his Peace with the Enemy of *France*. Upon hearing also that the *French* was marching a strong Army towards *Calais*, the King went over thither, in Hopes they would give him Battle, accompanied with his own Army, and joined there by the Forces of his *German* Allies: That, on *All-Souls' Day* last past, the King marched towards the Enemy and offered them Battle, which the Enemy took all Ways possible to avoid, whereupon the King wasted and spoiled the Country; but finding his Army to languish for want of Provisions, was obliged to return back to *Calais*, where he paid off his mercenary Troops, and came hither to meet his Parliament.’

The Cause of the  
Summons declared.

[ 288 ]

VOL. I.

U

After

<sup>a</sup> He is called, in the Record, *Monf. Wauter de Manny*.



**K. Edward III.** After this Speech was ended, the Lord Chief Justice address'd himself to the Commons to this Purpose: ' He required them to weigh and consider well the King's unwearied Constancy in labouring for their Defence; that he was now ready, also, to repell the Insolence of the *Scots*, who had surprized, in his Absence, the Town of *Berwick*, as he had been inform'd: He desired them therefore to consider how he might be enabled not only to subdue entirely that stubborn People, but also how to attain an advantageous Peace with *France*; which he much wish'd for, to his own Honour and their Quiet and Benefit.' He concluded with giving them Time till *Friday* following to bring in their Answer, and, in the mean while, to prepare their Bills and Petitions to be laid before the King in Parliament.

Whereupon the Parliament grant another Supply,

On the Day appointed the Commons came into the *White Chamber*, at *Westminster*; and, having had a short Conference with the Lords, in the King's Presence, they unanimously granted the King the Subsidy on Leather, Wooll, and Wooll-fells, for six Years to come; provided that no other Imposition or Charge be laid upon them during that Term. This Tax was no less than 50*s.* on each Sack of Wooll that should be exported; by which sole Grant, says an Author, the King was able to expend 1000 Marks a-day, on a just Calculation, there being no less than 100,000 Sacks yearly exported by the *English* Merchants in those Days<sup>1</sup>.

*Petitions of the Commons, with their Answers.*

And the Commons present several Petitions.

[ 289 ]

*Petition.* ' That the Great Charter, and the Charter of the Forest, in all Points, shall be kept: That the Statute, that the Staples shall always be within the Realm, shall be observed: That the Statute made for yearly removing Sheriffs be observed: And that the Statute made for Purveyors be kept.

*Answer.* *The King willeth the same.*

*Petition.* ' That whereas the Commons have granted to the King 40*s.* of every Knight's Fee in Aid to make his Son a Knight, the Exchequer demandeth the same, as well of Mesne Lords, as of the Tenants in Demesne, against Reason; wherefore they pray Remedy.

*Answer.* *The right Use of the Exchequer is to be kept.*

*Petition.*

<sup>1</sup> *Hollingshead's Chron.* p. 383. — *Stowe* says the said Grant extended only to 150,000*l.* Sterling, p. 255.

*Petition.* ' That no Man's Land, being bought in the K. Edward III, Time of Henry III. which was before the Statute of Prerogative, may be seized into the King's Hands by Escheators <sup>d</sup>.

*Answer.* *Let this be more particularly declared to the King.*

*Petition.* ' That the Justices of the Peace may determine Weights and Measures.

*Answer.* *The Statute made shall be observed. Such Justices shall make no Deputies; neither shall the Sheriff, Coroner, or such-like, be a Justice.*

*Petition.* ' That the Points of Confederacy may be declared, considering how the Judges judge rashly thereof.

*Answer.* *None shall be punished for Confederacy, but where the Statute speaketh expressly upon the Point contained in the same Statute.*

*Petition.* ' That the Justices of Goal-Delivery, on an Indictment of the Coroner coming before them, may award the Exigent.

*Answer.* *The old Law shall stand.*

*Petition.* ' That such Persons of the far North Countries, as upon Appeals join Issue on Good or Evil, may try the same by *Nisi Prius*; considering that the Jury will not appear in the King's Bench.

*Answer.* *The old Law used shall be kept.*

*Petition.* ' That Remedy may be had against such as, to defraud their Creditors before Judgment, do convey away their Lands and Goods.

*Answer.* *The Statute therefore made shall be observed.*

*Petition.* ' That Writs of Attaints may be had of Verdicts given in other Courts. [ 290 ]

*Answer.* *The old Law shall be observed.*

Edward being thus enabled by this last great Aid to pursue his Enterprizes, and the Parliament having dispatched the King's Business and their own, and all in the Space of four or five Days, they broke up, and the King marched immediately for Scotland, where he soon retook Berwick, and performed several other martial Exploits in that Kingdom, not to our Purpose to relate.

K, Edward III.

There is some Mention of a Parliament's being called to sit at *Westminster* in our Statute-Books, 31 *Edw. III. Anno 1357*, though the Records are altogether silent about it; wherein, for the King's Pardon to the Commons, for the Escapes of Felons, &c. a Fifteenth was granted. Here are also several Statutes and Ordinances relating to the Herring and other Fisheries <sup>e</sup>.

We have also met with a very strange Call of a Parliament by this King's Writs, in the 34th of his Reign, *Anno 1359*, and during the hottest Part of his *French Wars*, to meet and sit to do Business at different Cities and Towns in the Kingdom, and near at the same Time. The Occasion of summoning these different Meetings, which is a Circumstance very rare, if not a single Instance, seems, by the Tenor of the Writs, to be for getting Money to pay the Militia then raising, in order to repel an Invasion then threatened from *France*. And because the whole Body of the Commonalty could not so speedily be drawn together to one Place as the Occasion required, therefore Meetings of the Knights, Citizens, and Burgeſſes were appointed at *Westminster, Worcester, Lincoln, Taunton, Leicester, &c.* and the Sheriffs were directed to return them accordingly <sup>f</sup>. There is not a Word of this strange Call entered on the Rolls of Parliament; nor can we learn what Monies were raised, or what other Business was done at these Meetings; yet that there were such, is indubitable from the Authorities below recited.

Next follow what is call'd, in the Manuscript we quote from, *Commissio Delegatorum Præſidentium apud Wygorn.* to the Commissioners that were to preside at this Meeting.

Rex dilectis et fidelis suis ——— Episcopo *Wygorn.*  
 ——— Abbate de *Evesham*, Ricardo Com. *Arundele*,  
*Willielmo de Shareſhall*, Salutem.

CUM nuper, tam ante Passagium nostrum ad Partes  
 Francie quam post audito quod Inimici nostri in diversis  
 Partibus ad invadendum hostiliter Regnum nostrum, in  
 Ab-

<sup>e</sup> See *Hawkins's Edition of the Statutes at large*, p. 273, &c.

<sup>f</sup> Pro eo quod tota Communitas Regni in uno Loco, in brevi Tempore, convenire non potest, Milites, Civēs, et Burgenses summoniti fuerunt ad *Westmonasterium, Wygorniam, Taunton, &c.*

*Absentia nostra, tam per Terram quam per Mare, se pa-* K. Edward III.  
*rarunt, pro Periculis, quæ ex hoc nobis et dicto Regno*  
*nostro evenire possint, evitandum, per nos et Concilium*  
*nostrum ordinatum fuisset quod certa Arraicio Hominum*  
*ad Arma et Sagittarum, per certos Fideles nostros ad hoc*  
*deputatos in singulis Comitatibus ejusdem Regni fiat; ita*  
*quod dicti Homines ad Arma et Sagittarum, bene arraiati*  
*et muniti, prompti sint et parati ad proficiendum in Ob-*  
*sequium nostrum pro Salvatione et Defensione dicti Regni,*  
*contra dictos Hostes nostros, si idem Regnum nostrum inva-*  
*dere presumerint.*

*Et quod tota Communitas ejusdem Regni, &c. ut antea.*  
*Teste Rege apud Westmonasterium 10 Die Feb.*

To appear at *Worcester* on the *Wednesday* next before  
*St. Cuthbert*; at *Westminster*, on the *Monday* before *St.*  
*Gregory, &c.* At the same Time Writs were directed  
 to the Sheriffs of different Counties nearest their Places  
 of Meeting.

About this Time our general Histories are sufficiently  
 taken up with the Recital of the Victories obtained by  
 the *Black Prince* over the *French*; especially that of the  
 Battle of *Poitiers*, where the whole *French* Army was  
 entirely defeated, and their King (*John*) taken Prisoner  
 by this martial Hero. The *English* Court was now in  
 its greatest Splendour, having two Kings Prisoners at  
 the same Time. *David* King of *Scotland* had been van-  
 quish'd and taken Prisoner by a Woman; *Queen Phi-*  
*lipa*, in her Husband's Absence, having performed that  
 Exploit at the Battle of *Durham*, and shewed herself  
 worthy to be the Wife and Mother of such a Husband  
 and such a Son.

The Kings of  
*France* and *Scot-*  
*land* both taken  
 Prisoners.

In the Year 1360 King *Edward* kept his *Christmas* Anno Regni 35.  
 at *Woodstock* in great Splendour; and on the 25th of 1361.  
*January*, the next Year, he met a regular Parliament at At Westminster:  
*Westminster*, which had been summoned to appear there  
 about two Months before. Here the Articles of Peace,  
 concluded between *John* King of *France* and the King  
 of *England*, were communicated to the whole Assembly,

A Peace with  
*France.*

U 3 and

§ *Pat.* 34 *Edward* III. p. 1. m. 30. dorso.—But this was transcribed  
 from a Manuscript Volume of Mr. *Rymer's* collecting: There are 59 of  
 them, of which see a Catalogue in the *Fœdera Anglicana*, Tom. XVII.  
 They are now all reposit in the *British Museum*, Vol. IX, No. 1, 2, 3.



K. Edward III. and both Lords and Commons were highly satisfied with the King's Conduct in the Affair. These Articles, 40  
 [ 291 ] in Number, are to be found in *Brady, Tyrrel*, and other Historians, but are not any Thing to our Purpose: By these Means, however, the *French King* was released from an Imprisonment of four Years, and was honourably sent back to his own Country &c.

The Manner of  
 Swearing to the  
 Observance  
 thereof.

The Ceremony of the Swearing to keep this Peace, by the King, Lords, and Commons, being somewhat singular, deserves our Notice. On the last Day of *January*, the Archbishop of *Canterbury* celebrated the Mass of the *Holy Trinity*, in the Abbey Church at *Westminster*, with great Solemnity; the King, Prince, and the whole Body being present at it. In this Mass, says *Barnes*, there was this small but comprehensive Text of Scripture, *Brethren rejoice, be perfect, be of good Comfort, be of one Mind; live in Peace, and the God of Love and Peace shall be with you, &c.* After which, the King and his Sons standing up before the *French* Hostages, Torches being lighted, and Crosses held over the Eucharist and Missal, the Peers took the Oath, which they read from certain Papers or Scrolls, held in their Hands, and signed by themselves; the Archbishop beginning in this Manner, *We Simon, Archbishop of Canterbury, do swear upon the Holy Body of our Lord and his Holy Gospel, firmly, as much as in us lies, to keep the Peace and Concord agreed on betwixt the two Kings, and to do nothing contrary thereto.* This being done, every Man, as he took the Oath, delivered up his Scroll to the King's Notaries, to be laid up as Witnesses to Posterity. The *French King* caused his Estates and Lords of Parliament to swear to the Peace in like Manner; then both Kings sent their Ambassadors to the Pope for the Apostolical Sanction to it; and thus, at last, this long, expensive, and bloody War, was terminated by a Peace, as fully established, says *Barnes*, as strongly bound on Earth, as human Wisdom, or Authority, could devise or secure.

The

§ In this Parliament the King restored the Possessions of the Alien Monasteries to them again, which he had taken into his Hands at the Beginning of the *French War*, above 20 Years before. A rare Example, says an Historian, of Justice in this King, it being seldom known that a Prince will part with any Thing he hath once gotten. *Sam. Daniel in Keener*, p. 228.

It seems this Parliament was only called to ratify this Peace, for it is not entered on the Rolls.

The Nation beginning now to enjoy the Fruits of K. Edward III.  
Peace, the King called another Parliament, to meet at [ 292 ]  
*Westminster* on the 13th of *October* the next Year; Anno Regni 36.  
where all the Peers were expressly commanded to appear 1362.  
in Person, and not one Proxy permitted. This Session  
lasted a full Month<sup>g</sup>; in which Time, says *Barnes*, he At Westminster,  
made more good Laws, and bestowed more Acts of  
Grace upon his People, than some other Kings have  
done in their whole Lives.

The Causes of this Assembly were declared, by the  
Lord Chief Justice, then Sir *Henry Green*, to be, ‘ For  
‘ the Redress of Matters relating to the Church; for  
‘ Observation of the Peace; for settling Affairs with  
‘ *Scotland*; and for enhancing the Price of Wooll.’ All  
which were then very well ordered, as may be seen in the  
Records and printed Statutes of this Year. The Staple  
of Wools was appointed, tho’ not by express Statute,  
yet with the Consent of both Houses, to be removed  
from *London* to *Calais*. For we find, by the Records, The Staple re-  
that when the Lords were commanded to speak, ‘ What moved to Calais.  
‘ they thought of the Merchants removing to *Calais*?’  
They all agreed, ‘ That it seemed to them to be a Mat-  
‘ ter very profitable to the Realm.’ The Commons,  
indeed, demurred a little at the first, till they could talk  
with some Merchants about it; but, at last, they com-  
plied with the Lords also. Whereupon the King sent  
over twenty-six of the ablest and most considerable Mer-  
chants in the Kingdom, to hold the Staple there for three  
Years. These Merchants were also ordered to keep  
and defend the Town, every Man having a Guard of six  
Men at Arms and four Archers at the King’s Charge.  
Besides the Mayor of the Town, the King, by his Char-  
ter, constituted another, called the Mayor of the Staple  
of *Calais*; the King being to receive 20*s.* and the afore-  
said Merchants, Wardens of the Town, 40*d.* more, as  
Custom, on every Sack of Wooll there bought.

The Petitions of the Commons in this Parliament  
begin with such a remarkable Preamble, that we can’t  
avoid giving our Readers a Translation of it from the  
Record itself, to shew the Humility of that Body in  
those Days.

‘ To

<sup>g</sup> This is almost the first Time that we could ascertain the Length of  
a Session of Parliament in those Days.

K. Edward III.

‘ To our Thrice-renown’d and Thrice-gracious Lord  
 ‘ the King, his poor and simple Commons<sup>c</sup> beseech him  
 ‘ that he would please, out of his great Grace and  
 ‘ Kindness, to have Regard to all the Grants, Charges,  
 ‘ and Damages, which his said Commons have suffered  
 ‘ in his Time, in order to please and satisfy his High-  
 ‘ ness; and also the several Mischiefs that have befallen  
 ‘ the said Commons, by divers Plagues of Winds, Wa-  
 ‘ ters, and Mortality of Men and Beasts, and to grant,  
 ‘ in Relief of the poor Estate of the said Commons, the  
 ‘ Petitions following :

*First*, ‘ That the Great Charter, Charter of the Fo-  
 ‘ rest, &c. should be confirmed ;’ with thirty four other  
 Petitions, too long to give by any but a particular Wri-  
 ter of this King’s Reign.

Pleadings at Law  
 ordered to be no  
 longer in *French*,  
 but in *English*.

In this Parliament was passed that remarkable Statute,  
 ‘ That all Pleadings and Judgments in the Courts of  
*Westminster* should be, for the future, in *English*, but  
 ‘ entered and inrolled in *Latin*,’ whereas, before, they  
 were wont to be in the *French* Language, ever since the  
 Time of the Conqueror. It was also ordain’d, That all  
 School-Masters should teach their Scholars to construe  
 in *English*, and not in *French*, as they had hitherto used<sup>f</sup>.  
 Here also it was enacted, That neither Gold nor Silver  
 should be used in Apparel, Knives, Girdles, Chains,  
 Rings, or other bodily Ornaments, by any Man who  
 could not spend 10*l.* a-year; and that none, who could  
 not spend 100*l.* a-year, should presume to wear Silks,  
 Furs, or other precious Garments<sup>g</sup>.

[ 293 ]

On

<sup>c</sup> *Poure et simple Commune, &c.*

<sup>f</sup> *Hollingshead’s Chron. from Caxton, p. 396.* This was made on a Peti-  
 tion of the Commons, That the Subject might understand the Law, *by*  
*which he holds what he hath, and is to understand what he doth.* Daniel  
*in Kennet, p. 229.*

But, adds that Author, though this is an excellent Act, and worthy so  
 great a Prince, yet he had deserved greater Honour if he could have freed  
 the Law from those Difficulties and Mysteries which render it a greater  
 Affliction to the People than a Remedy.

<sup>g</sup> Moreover it was enacted, That no Husbandmen or Labourers should  
 use any costly or dainty Dishes at their Tables, and eat but one Meal a-day.  
 But these Sumptuary Laws had little or no Effect. *Hollingshead, p. 396.*

This Statute affected the Clergy in their Habits, as well as others. *Col-  
 lier’s Hist. p. 559, from Adam Myrimuth.*

And as provident was this King for ordering and securing of his own  
 Treasure, committing the Custody of it to Conscience and Religion : For,  
 by a Certificate sent to Pope Urban, *Anno Regni 36*, concerning Pluralities,

and

On the last Day of the Parliament's sitting, the Petitions of the Commons being granted, they unanimously gave the King 26 s. 8 d. on every Sack of Wooll, for three Years, besides the former Subsidy on Woollfells and Skins. And now, Business of that Kind being concluded, the aforesaid Sir *Henry Green* declared to both Houses, 'That the King, being then arrived at the 50th Year of his Age, intended to keep it as a Jubilee, and to pass several Acts of Grace and Mercy to his People; he therefore granted a general and special Pardon for all Crimes, Treason itself not excepted, without any Fine, or paying of Fees for the Seal; and set all Debtors to the Crown, and Prisoners for criminal Matters, at Liberty.' The King also confirmed *Magna Charta*; which was confirmed no less than ten several Times in this Reign. Then the said Lord Chief Justice declared, that the King created his second Son, *Lionel*, Duke of *Clarence*; which Title he took in Right of his Wife, who was descended from the Earls of *Clare*, a Town and Castle of *Suffolk*. Also, the King created his Son, *John*, Duke of *Lancaster*, in Right of his Wife, who was Daughter and Heiress to the last Duke *Henry*; and *Edmund*, his fifth Son, Earl of *Cambridge*. Then, having passed several Statutes, very beneficial to the Nation, particularly one for a Confirmation of an Act made

A General Act of Pardon pass'd,

[ 294 ]

And *Magna Charta* re-confirm'd.

and the Estates of the Churchmen, in *England*, there were more Clergymen in Office about the King, than about any Prince in Christendom beside: For, first, *Simon Langham*, Archbishop of *Canterbury*, was Chancellor of *England*; *William Wickham*, Archdeacon of *Lincoln*, Keeper of the Privy Seal; *David Weller*, Parson of *Sommerham*, Master of the Rolls; ten Beneficed Priests, Civilians, Masters in Chancery; *William Mulse*, Dean of *St. Martin le Grand*, Chief Chamberlain of the Exchequer, Receiver and Keeper of the King's Treasure and Jewels; *William Ashby*, Archdeacon of *Northampton*, Chancellor of the Exchequer; *William Dighton*, Prebendary of *St. Martin's*, Clerk of the Privy Seal; *Richard Cbefferfield*, Prebendary of *St. Stephen's*, Parson of *Oundle*, Master of the King's Wardrobe; *John Newnham*, Parson of *Fenny-Stanton*, one of the Chamberlains of the Exchequer, and Keeper of the Treasury and Jewels; *John Rowsby*, Parson of *Harwich*, Surveyor and Comptroller of the King's Works; *Thomas Brittingham*, Parson of *Ashby*, Treasurer to the King for the Parts of *Guines* and *Marches of Calais*; and *John Troys*, Treasurer of *Ireland*, a Priest, and beneficed there. These Men, who were destitute of Feminine Allurements to Expence and Pomp, and devoted to pious Thriftness, were thought the fittest to be trusted with his Riches by this wise King. Daniel in Kennet, or rather Bishop Kennet on Daniel.

If this last Statute mentioned in the Text and that in the foregoing Note were passed this Parliament, they are not entered on the Rolls.

i This Act is entered on the Rolls. See also Statutes at large, 36 Edward III. cap. x.



K. Edward III. made in the fourth Year of this King, for holding of annual Parliaments, or oftner if Occasion required; and also performed those Acts of Grace, already mentioned, the King dissolved this Parliament, and spent the rest of the Year in all Kinds of Merriments and Diversions <sup>k</sup>.

The next Year the King issued out his Writs of Summons, dated *June 10*, for a Parliament to meet at *Westminster*, on the 6th Day of *October* following: when there not being a full Appearance of Members, the Houses were adjourned to *Friday* following: At which Time *Simon Langham*, Bishop of *Ely*, and Chancellor of *England*, declared before the Lords the King's Reasons for calling this Parliament in the *English* Tongue <sup>l</sup>, according to the Record. He said, 'That the King was desirous to know the Grievances of his Subjects; and particularly, that he might, by their Advice, redress any Wrongs that had been done to Holy Church; also, to reform all Enormities, especially about the Manner of exhibiting Petitions in Parliament.' Then the Commons gave the King their most humble Thanks for the great Goodness he had shew'd and confirmed unto them the last Parliament; and humbly prayed 'That the King would enjoin the Archbishops, and all other of the Clergy, that they would put up their joint Prayers to Almighty God for the Prosperity of his Majesty, in order to the Peace and good Government of the Land, and for the Continuance of his Majesty's good Affections towards his Commons.' As for their Petitions to the King, and his Answers to them, they may be seen in *Prynne's* Abridgment, and in *Joshua Barnes*. We do not find any Subsidies were asked or given this Parliament; and for the Laws made in it, they are also in the *Statutes at large*.

It

<sup>k</sup> The elegant *Italian* Historian sums up these Acts of Grace in this Manner, *Exules revocavit, Pardnelibus pepercit, Custodias omnes dimittit, condonatis Malefactorum Pœnis. Leges aliquot salutaris tulit; Privilegia olim, a Majoribus Pœpulo irrogata, quæ vulgus Magnæ Chartæ Immunitates vocitat, de integro concessit.* *Pol. Verg. Lib. xix. p. 385.*

The Title of the Statute is, *De Pardonatione Facta Communitati Angliæ.*

The famous Custom of our Kings washing the Feet and cloathing so many poor Men, on *Maunday Thursday*, as they were Years old, began now at this Jubilee. *Speed's Chron. p. 584. Pol. Verg. ut supra.*

<sup>l</sup> *Feurent monstrer en Engleis; which plainly shews that all former Declarations of this Kind were made in French.*

It is observable that this Parliament continued, by *K. Edward III.* Prorogations, 'till the 3d of *November*; when the Lord-Chancellor, in Presence of the King and both Houses, declared, ' That the King was now resolved to execute ' the Statute of Apparel, and therefore charged them ' all to promote the same.' These Statutes of Apparel were made and passed in this Parliament. They consist of seven Articles in the Record, and as many Chapters in the printed Statutes. They were to regulate the Dress of all Manner of People; from Knights and Ladies of 400 or 200 Marks a-year, down to Ploughmen and Servants, the Clergy not excepted. The several Editors of the *Statutes at large* have not presumed to translate any of these Articles out of their original *French*, neither shall we; because the Terms of Fashions in those Days are not to be rendered into any other Language at present.

When all was concluded the Chancellor demanded of both Houses, ' Whether they would have such Matters ' as they agreed on to be by way of Ordinance or of ' Statute? They answered, ' By way of Ordinance, ' that they might amend the same at their Pleasure.' By which the Reader may observe the Difference between an Ordinance and a Statute, the former being looked upon as a Temporary, the other as a Standing, Law <sup>k</sup>.

Difference between an Ordinance and a Statute.

On the 4th of *December*, in the Close of the Year 1364, King *Edward* sent forth his Summons for a Parliament to meet him at *Westminster*, on the Octaves of *St. Hilary*, or *January* the 21st, following. On which Day, being met, they were, by Proclamation, adjourn'd to the next Morning in the *Painted Chamber*, there to hear the King's Pleasure. At which Time Bishop *Langham*, Lord-Chancellor of *England*, began a long and formal Harangue, taking for his Text that of the Royal Prophet, *Faithful Judgment doth adorn the King's Seat.* ' From whence he took Occasion to extol the great Valour of the King his Master, and the many Victories ' which, by God's Assistance, he had gain'd in his Youth; ' not forgetting the constant and dutiful Good-will and ' ready

[ 296 ]

Anno Regni 39.  
1365.

At Westminster.

<sup>k</sup> In this Parliament it was enacted, That Poultry should be sold in the following Manner; a young Capon for 3 d. an old one for 4 d. a Hen for 2 d. a Goose for 4 d. This Parliament sat but from *October* 6th to the 3d of *November* following.

K. Edward III.<sup>c</sup> ready Concurrence of the King's loyal Subjects, towards the Furtherance of those his important Undertakings. For all which, as the King did now, by him, return them his hearty Thanks, so he let them know that, for his Part, he was resolved to seek the common Peace and Tranquillity of all his People; especially by enforcing a due Observance of all good and wholesome Laws, and amending such of them as should be thought defective; as also by establishing new ones as Necessity should require.'

They then proceeded to appoint Receivers and Tryers of Petitions for *England, Ireland, Wales, &c.* as also for *Aquitain*, and other Foreign Countries. Which done, the King himself spoke to the whole Assembly; and this Speech, being a very remarkable one, and the first, on Record, that ever came from this King, we shall give *verbatim*, as near as the Nature of the two Languages will admit of; observing, that the Speech is not entered, in the Record, as the King spoke it, but only as the Substance of what he did speak.

The King's  
Speech against  
the Encroach-  
ments of the See  
of Rome.

*W*Hereas personal Citations, weak and false Suggestions, have been, from Day to Day, made to the Pope, against all Manner of Persons in this Realm, for Causes connoissable in the King's own Court; and that Provisions, made in the Court of Rome, have been procured for Benefices in Holy Church, belonging to the Disposal and Donation of the King and other Patrons in this Kingdom; and also to Churches, Chapels, and other Benefices appropriated to Churches Cathedral and Collegiate, Abbies, Priories, Chantries, Hospitals, and other poor Houses; by which Suggestions the Laws, Usages, and antient Customs and Franchises of this Realm have been very greatly obstructed; the King's Crown and Dignity debased; his Person scandalized; the Goods and Riches of the Kingdom transported; the Houses and Dwellings on Livings wasted and destroyed; Divine Service, Alms, Hospitality, and other Works of Charity, either neglected or lessened, and a Multitude of other Evils and Mischiefs must happen and daily come upon us: For which Reason the King prays the Prelates, Dukes, Earls, and Barons, from whom he had always found Loyalty and good Counsel, that they would advise him as to these Grievances against him, the Rights  
of

of his Crown, and of several other Persons in the Realm: K. Edward III. That they would consult together first, and afterwards with the Commons, and come all before him in the White Chamber, and give him such Advice as seemed best to preserve his Dignity, the Rights of his Crown, and those of his People.

Three Days after the whole Body came before the King as directed, and brought with them a Bill they had framed against those Papal Encroachments, of which an Act was made and passed in this Parliament.

The Reason of the King's delivering this Injunction to his Parliament, *vivâ Voce*, was, because any Man, of less Degree than himself, would have been in Danger of an Ecclesiastical Censure for doing it. An Act was however made accordingly, and passed this Session, which may be found in our printed Statute-Books, agreeing with the Record; except that, as the Editor of the Abridgment observes, his Holiness is used with much more Freedom, by several biting Expressions in the Record, which are not to be found in the Print; a Mystery, adds he, not known to all Men<sup>a</sup>. This seems to be an unjust Reflection of that good Protestant Mr. Prynne; for whoever will take the Pains to compare the one with the other will find no such Difference as he speaks of.

[ 297 ]

Whereupon another Statute is made against the Pope's Provisions.

The Petitions of the Commons, with the King's Answers to them, come next in the Proceedings of this Parliament; the most remarkable of which are these: 'The Commons pray, That 3s. 4d. laid upon every Sack of Wooll at *Calais*, and all other unreasonable Impositions, may cease.' Answer. *The King willeth that unreasonable Impositions may cease.* It was also then agreed, That the Staple being removed from *Calais*, one should be held at *Melcomb-Regis*, and another at *Ipswich*; and that all Merchants and others might ship Woolls at *Lewes*, for their Ease, or in other Places. The Business of this Parliament being finished, the King gave Thanks to the Lords and Commons for their good Affections to him, and, on the 16th Day of *February*, dismissed them to their own Homes.

The

<sup>a</sup> Abridgment of Records, p. 100.



K. Edward III. The Stroke made at the See of *Rome* in the last Parliament could not be insensibly felt in that Quarter; accordingly we find, in the next, how warmly it was resented. For,

Anno Regni 40.  
1366. On the 30th of *March*, in his fortieth Year, King *Edward* held another Parliament at *Westminster*; at the opening of which, in the *Painted-Chamber*, the Bishop of *Ely*<sup>b</sup>, Lord-Chancellor, declared, in Presence of the Lords and Commons, the Reasons why this Parliament was called; which, in Effect, were these: ‘That since the King had sent his eldest Son, the Prince of *Wales*, to govern the Country of *Aquitain*, as also the Duke of *Clarence*, his next Son, to be his Lieutenant in *Ireland*, his chief Care now was how he might govern his People at home in the best Manner.’ After which both Houses proceeded to nominate Receivers and Triers of Petitions as usual, and adjourned to the next Day; when the Chancellor, in the Presence of the King, Lords, and Commons, spoke again and told them, ‘That he had the Day before informed them, in general, of the Occasion of their Meeting, and that now they should know it more particularly, the King having a Matter of great Importance to communicate to them. His Majesty had lately received Notice, that the Pope, in Consideration of the Homage which *John* King of *England*, had formerly paid to the See of *Rome*, for his Realm of *England* and Dominion of *Ireland*, and of the Tribute by him granted to the said See<sup>c</sup>, intended, by Process, to cite his Majesty to appear at his Court at *Avignon*, to answer for his Defaults, in not performing what the said King, his Predecessor, had so undertaken for him and his Heirs, Kings of *England*. Whereupon the King required the Advice of his Parliament, what Course he had best take if any such Process should come out against him.’

The King informs the Parliament that the Pope intended to cite him to do Homage for his Crown,

The Bishops, Lords, and Commons, severally, desired Time to the Day following, to give in their Answer; when, being again assembled, after full Deliberation, they declar’d as follows: ‘That neither King

<sup>b</sup> *Simon Langham*: He was translated to *Canterbury*, Anno 1366. *Le Neve’s Fasti*.

<sup>c</sup> Of 1000 Marks a-year. *Record*.

‘*John*, nor any other King, could bring himself, his *K. Edward III.*  
 ‘ Realm, and People, under such Subjection, without <sup>which they</sup>  
 ‘ their Assent ; and if it was done, it was without Con- highly resent ;  
 ‘ sent of Parliament, and contrary to his Coronation  
 ‘ Oath ; that he was notoriously compelled to it by the  
 ‘ Necessity of his Affairs and the Iniquity of the Times ;  
 ‘ wherefore the said Estates enacted, That, in Case the  
 ‘ Pope should attempt any Thing by Process, or any  
 ‘ other Way, to constrain the King and his Subjects  
 ‘ to perform what he says he lays Claim to in this Re-  
 ‘ spect, they would resist and withstand him to the ut-  
 ‘ most of their Power.’ Thus was this haughty De-  
 mand of the Pope’s, by the stout Opposition of both the  
 Prelacy and Laity in this Parliament, quashed for ever ;  
 for we do not find that it was ever after demanded.  
 Nor, in all Likelihood, would it have been trumped up  
 now, but out of Revenge to the Proceedings of the last  
 Parliament against the Incroachments of the See of *Rome*.  
 It seems King *Edward* was so moved at the Insolence  
 of this Demand, that he caused it now to be ordained,  
 that, from that Time forward, *St. Peter’s Pence* should  
 not be paid, which had continued to be so from the <sup>And thereupon</sup>  
 Days of King *Ina*, the *West Saxon* King, about the Year <sup>*Peter’s Pence* is</sup>  
 680 ; who had granted it to the See of *Rome*, in Con- <sup>forbid to be paid.</sup>  
 sideration of an *English* Seminary, or School, to be con-  
 tinued there for ever <sup>d</sup>.

[ 299 ]

There were some others Matters transacted this Par-  
 liament ; particularly, settling the Differences betwixt  
 the two Universities, *Oxford* and *Cambridge*, and the  
 Mendicant Friars, who exhibited Complaints against  
 each other ; the Particulars whereof are not to our Pur-  
 pose. This Parliament sat till the 11th of *May* this  
 Year ; when the Lord-Chancellor notified to them  
 ‘ the Marriage of the Princess *Isabella* to the Lord *In-*  
 ‘ *gelram de Coucy*, who had a large Estate both in *France*  
 ‘ and *England*, and that it would be for the King’s Ho-  
 ‘ nour to create him a Peer of this Realm ;’ which the  
 Lords finding convenient, readily agreed to : Where-  
 upon the King, by his Letters Patent, created him Earl  
 of *Bedford*, with a Grant of 1000 Marks *per Annum*,  
 out of the Exchequer, and 30 Marks more out of the  
 Issues

<sup>d</sup> However it was but a temporary Delay, for it was afterwards collect-  
 ed to the 25th of *Henry VIII.* when that Prince put an effectual Stop to  
 it,

K. Edward III. Issues of the County of *Bedford*, to be paid by the Sheriff of that County. Mr. *Tyrrel* here observes, That the Parliament did not quarrel with the King, or find Fault with his marrying his Daughter to a *Frenchman*, tho' his Subject; or that he had conferred upon him so great an Estate belonging to the Crown; or, lastly, that he would now make him a Nobleman of *England*; for tho' it was usual, adds he, for this King not to create either Dukes or Earls, not even his own Sons, without the Privy of the rest of the Peers, yet we do not find that ever he asked the Consent of the Commons, or that it was passed into an Act or Statute, all the Charters of their Creations being granted by the King alone, and the Consent of the Parliament not at all mentioned in them.

[ 300 ]

We now meet with an Interval of two or three Years, during which Time our Historians are taken up with describing the *Black Prince's* martial Exploits and Victories in *Spain*; where he restored Don *Pedro* to the Crown of that Kingdom. Things did not go so well, however, in *France* and *Scotland*, as we shall see hereafter; and King *Edward* having lost his second Son, Prince *Lionel*, who died soon after his second Marriage in *Italy*, from this Period we must date the Turn of that good Fortune which had hitherto favoured him throughout his whole Reign.

Anno Regni 42.  
1368.

At *Westminster*.

The King issued out his Writs, dated *February 24*, for summoning a Parliament to meet at *Westminster* the first of *May* following. When being met, Dr. *Simon Langham*, then Archbishop of *Canterbury*, was the King's Prolocutor, and declared to the whole Assembly, That it was his Majesty's Pleasure that they should be adjourned for three Days; and at the Time appointed the said Archbishop opened the Cause of their Meeting to this Effect: 'That the King yielded unto God Almighty  
' most hearty Thanks for having given him the Victory  
' over all his Enemies; as also for the peaceable and  
' flourishing Condition of his Realm, and for the great  
' Loyalty of his Subjects, and their constant Readiness  
' to serve him, both in Body and Goods; all which  
' Blessings he desir'd, as much as in him lay, to con-

' tinue

‘*tinuē* or rather to increase. And, that he might the K. Edward III.  
 ‘better succeed in that Resolution, he had at this Time  
 ‘called his Parliament to confer with them concerning  
 ‘Matters relating to the Premises.’ Then the Receivers  
 and Triers of Petitions were appointed, which took up  
 all the rest of that Day.

On the Day following, being assembled again as usual  
 in the *Painted-Chamber*, the said Archbishop farther  
 declared the Substance of a Treaty between the King’s  
 Commissioners and *David Bruce*, King of *Scotland*, who  
 had lately made this Offer, ‘That he was willing to  
 ‘preserve a perpetual Peace with *England*, provided he  
 ‘might quietly enjoy the Kingdom of *Scotland*, free and  
 ‘discharged from all Homage to that Crown; since to  
 ‘hold it otherwise would be a constant Reproach to him  
 ‘and his Kingdom.’ Concerning which Terms of Peace  
 the Lords and Commons, being asked their Advice, [ 301 ]  
 gave in their Answers, severally, to one and the same  
 Effect, ‘That they could not assent to any such Peace,  
 ‘upon any Account, without a Disherison of the King,  
 ‘his Heirs, and Crown, which they themselves were  
 ‘sworn to preserve; and therefore must advise him not  
 ‘to hearken to any such Propositions.’

The Scots offer  
 Peace, on Con-  
 dition of being  
 discharged from  
 Homage.

The Proposal re-  
 jected by Parlia-  
 ment.

After which the Archbishop, in the King’s Name,  
 gave Thanks to the Estates in Parliament, ‘For their  
 ‘ready Compliance in assisting the King’s Wants by  
 ‘former Aids and Subsidies; and shewed them further,  
 ‘how, at that Time, the King stood in as great Need as  
 ‘ever of a considerable Supply to discharge his Debts:’  
 Upon which the Lords and Commons granted the King,  
 for two Years, of every Wooll-pack 36*s.* 8*d.* for every  
 twelve Dozen of Fells, as much; and 13*s.* 4*d.* for  
 every Last of Skins, over and above the old Customs.  
 Then certain new Statutes were prepared for the Royal  
 Assent, and some old ones were explain’d and confirm’d,  
 which may be seen in the printed Statute-Books under  
 this Year, and therefore unnecessary here.

A Subsidy granted.

On the 21<sup>st</sup> of *May* the King gave Thanks to the  
 Lords and Commons for the great Aid they had given  
 him, and that Day all the Lords and divers of the Com-  
 mons dined with his Majesty; after which Sir *John Lee*  
 was brought before him and the Lords and Commons,  
 to answer certain Objections made against him by *Wil-*



*R. Edward III.* *William Latimer*, concerning a Lordship belonging to *Robert Latimer*, with certain Lands which had been granted during his Minority, and being afterwards granted to the said *Sir John Lee*, he being Steward of the King's Household, compelled the said *William*, by Durefs of Imprisonment, to surrender up the Estate into his Hands: And tho' *Sir John* excused himself, as being the King's Grantee, yet it was not admitted, because he had used Force, and had not outed the said *William* by due Process of Law. There were also divers other Complaints against him; that, as Steward of the King's Household, he had caused several Persons to be attached by Order of the Council, and then appear before him alone, and make Answer out of Council; with several other Misdemeanors. Of all these Accusations *Sir John* not being able to purge himself, he was, by Order of the King and Lords, committed close Prisoner to the Tower, and ordered to pay a Fine according to the King's Pleasure. This Affair, though of no great Moment in itself, we think necessary to take Notice of, as it is the first Precedent to be met with, not only of any Accusation or Impeachment of a Person in Parliament, for a simple Misdemeanor, and not for Treason, but also where the Offender was committed to Prison by the King and Lords at a private Meeting, when the Parliament was not sitting.

[ 302 ]

About this Time another War with *France* seeming unavoidable, the *French King* having, by Treaties and Embassies, deluded *Edward* till he had taken an Opportunity to seize on the greater Part of his Dominions abroad, he called a Parliament in order to lay this Affair and the State of the Nation before them. They were summoned to meet at *Westminster*, May 27, this Year; at which Time the King, Prelates, Dukes, Earls, Barons, Knights, Citizens, and Burgessees, assembled in the Painted-Chamber, the famous *William of Wickham*, or *Wykeham*, Bishop of *Winchester*, then Lord-Chancellor, being Prolocutor. This Prelate told the Assembly, ' That the King always, in his greatest Affairs, had ' used their Advice and Counsel; in which he ever found ' them truly loyal, and for which he thank'd them: And ' that,

Anno Regni 43.  
1369.

At Westminster.

<sup>e</sup> In a set Speech, beginning, *Sires, le Roi en touz les grosses Besoignes,*  
&c.

that, not being willing any Thing should be unknown K. Edward III.  
 to them, he laid before them the Peace, which, by  
 their Advice, he had concluded with his Adversary of  
*France* some Time ago: The Conditions of which  
 were, That, by such a Day, he should surrender up to  
 him certain Countries beyond Seas; should pay unto  
 him certain Sums of Money at stated Times; and  
 that, for the future, he should never pretend to any  
 Jurisdiction or Sovereignty over *Gascoigny* or its neigh-  
 bouring Parts. In Consideration thereof the *English*  
 King was to give up the Stile and Title of the King  
 of *France* for ever, which he had accordingly done:  
 But his said Adversary had not only failed to make  
 Delivery of the Lands and Countries agreed upon;  
 had made no Payments of the Money; but had also  
 summoned certain Lords of that Country, under his  
 Jurisdiction, and even the Prince of *Wales* himself, to  
 appear before him, on a Day prefixed, at *Paris*, to  
 answer their Appeals; which was contrary to the Form  
 and Tenor of the Peace. Besides all this, he had sent  
 a great Number of Men at Arms, and others, into  
*Gascoigny*, and there, by Force, had taken Towns,  
 Castles, and other Places; killed some of the King's  
 Liege People, taken others, and imprisoned them in  
 Hopes of great Ransoms; the same he had also done  
 in *Ponthieu*. That because of these Doings, especially  
 in the Principality of *Aquitain*, against the Form of  
 the Peace, the Prince had sent special Messengers to  
 inform the King, that he had called to him the wisest  
 Men of the said Principality, and treated with and pro-  
 pounded to them, whether, by reason of these Things,  
 his Father might not, by Right, retake upon him, and  
 use, the Name of King of *France*; who all answered  
 and affirmed, 'That the King might do it by Right  
 and Good Faith.' Upon which Point the Archbishop  
 of *Canterbury* and the other Prelates were charged by the  
 King to treat and shew their best Advice and Counsel.

The Prelates took two or three Days Time to deli-  
 berate upon this knotty Case of Conscience, 'Whether  
 the King was released from his Oath or not?' When  
 the whole Assembly being again met, the Archbishop  
 and Bishops, with one Accord, answered, 'That the  
 King, for the Causes abovesaid, might justly re-assume  
 X 2 and

K. Edward III. 'and use the Name of King of *France*, by Right and 'good Conscience.' To which Sentence the Dukes, Earls, Barons, Knights, and Commons, unanimously agreed. After which Declarations the King caused the Great Seal of *England* to be changed again, along with his other Seals; from which Time, even unto this Day, the Kings of *England*, his Successors, continue their Arms quartered with *France*; in Token of that Right, says *Barnes*, to which King *Edward* so justly now renewed his Claim.

The French having broke the Peace, the War is renewed.

[ 304 ]

A large Subsidy granted,

The Parliament having thus agreed to renew the War, the next Thing to be thought of was the Sinews of it: Accordingly the King ordered 'the State of the Nation' to be laid before them; and, because he should be at 'great Charge to maintain his Forces both by Sea and 'Land, which he could not support without their Assistance, he requested them, therefore, to consult and 'advise how it might best be done with the least Charge 'and Damage to his People.' On which the Lords, by themselves, and the Commons, of one Accord, granted to the King a Subsidy on Woolls; that is, 43*s.* 4*d.* on every Sack, and on every twelve Dozen of Wooll-fells, as much; on every Last of Leather, that should be exported, 4*l.* besides the antient Customs for three Years, to commence at *Michaelmas* next; on Strangers was laid, for every Sack of Wooll, four Marks, and every twelve Dozen of Fells, as much; and on every Last of Leather eight Marks, over and above the old Custom.

The King grants public Encouragement to all those who should assist him against *France*.

Some other Matters were transacted, in this Parliament, of less Notice; as, that all the King's Forts, Ports, and Fortresses should be surveyed, repaired, and re-edified; that no Religious Aliens should be left in a Capacity to discover the Secrets of the Realm, as well as all their Possessions to be seized into the King's Hands; that Remedy may be had against the excessive Price of Armour, and against the unreasonable Demands of Dealers in Horses. *Lastly*, the King, on the 12th Day of *June*, came to the House, and gave them Thanks, from his own Mouth, 'for the great Pains they had 'taken, and the Aid they had given him; and, in some Sort of Recompence, promised to all those Lords, and others, of whatsoever Degree, Estate, Condition, or Nation they were, who would maintain his Cause and 'Quarrel

Quarrel against his Enemies of *France*, that they should <sup>K. Edward III.</sup> hold and enjoy, for ever, all they should there recover and conquer, whether Duchies, Earldoms, Viscounties, Cities, Towns, Castles, or Lordships, Persons, Names, Arms, and Honours, to hold the said Possessions of him as King of *France*, by the accustomed Dues and Services; reserving only, to himself and his Heirs, all Demefnes, Royalties, Services, Homages, Dues, Resorts, and Sovereignties belonging to the Crown of *France*; and excepting all Church-Lands, and the Lands of all such who, without Force or Difficulty, would obey, adhere to, and remain in Obedience to him, and, of their own Good-will, would assist him in his Quarrel against his said Adversary. Likewise the King commanded, That not only all the Bishops should muster their own Tenants and Servants, but that all Parsons, Vicars, Monks, Friars, and other Religious Persons of the Clergy, should be in Readiness, in Case of an Invasion, to resist the common Enemy: And then he dissolved this Parliament <sup>b</sup>.

[ 305 ]

The War began now to be entered into briskly on both Sides, and continued, from the last Period, a Year or two, with various Success; though the King, on Account of his great Age, was unable to go over in Person. But the Renewal of the War was not the only Thing that disturbed *Edward's* Repose; the Loss of his Queen, who died in the Year 1369, was a very great Affliction to him: Besides, the Noble and Valiant Prince of *Wales*, being taken with a lingering Illness, was oblig'd to return to *England* for the Recovery of his Health, leaving his Brother *John*, Duke of *Lancaster*, his Lieutenant in *Aquitain*.

After the Prince's Arrival here, Affairs began to take a different Turn abroad; the *French* had gained great Advantage over the *English*, particularly in the Principality of *Aquitain*, which alarmed King *Edward* so much, that he thought himself obliged to call a Parliament to ask their Advice about it. Accordingly Writs of Summons were issued out, dated *January* 8, for a Parliament to meet on *Monday*, the first Week in *Lent*,

Anno Regni 45.  
1371.

X 3

which At *Westminster*.

<sup>b</sup> Rot. in Turre Lond. 43 Ed. III. Rymer's Fœd. Tom. VI. p. 631.  
Collier's Ecclesiastical History, p. 561.



K. Edward III. which was *February 24*, that Year. Being all, as usual, assembled in the *Painted-Chamber* at *Westminster*, the Lord-Chancellor *Wickham* opened the Cause of the Summons to be for this Purpose: ‘ That since, by the Assent of the last Parliament, the King did re-take upon him the Title of King of *France*, because his Adversary had broke the Peace, and claim’d the Superiority over *Aquitain*, which had formerly belonged to his Father, he had for this, and several other Causes, been at great Expences, and sent some Men of Quality, and others, to a mighty Number, to conquer and recover his Right: That the King had received News from his Friends and Allies, that his Adversary had made himself stronger than he had done before, and ordered so great an Army to be brought together, that, in all Probability, he would be able to get Possession of all his Lands and Territories beyond Seas, as well in *Gascogny* as at *Calais*, *Guifnes*, *Ponthieu*, and other Places. Further, that his said Adversary had such a Fleet ready as seemed sufficient to destroy the whole *English* Navy; and that he purposed to send over such a Land Army into this Kingdom, as might be equally able to conquer and subject it to his own Power: Wherefore the King earnestly desir’d the Lords and Commons to consult about these Points, and advise him which Way the Kingdom might be safely guarded, the Navy preserved from the Malice of his Enemies, his Lands beyond Sea kept, the War maintained, and the Reduction of the *French* effected.’

[ 306 ]

A Tax of 22s. 3d. laid by the whole Parliament on every Parish, towards the War.

These high Matters being thus laid before the Parliament, many Ways and Means were proposed for raising an Aid, which were freely debated betwixt the Lords and Commons. At last, in Consideration of the great Costs and Charges which the King had been at, and was to bear, for the Reasons given, both Houses consented, *March 28*, to grant a Subsidy of 50,000 *l.* to be levied on every Parish at 22 s. 3 d. and those of greater Value to contribute, by Rate, to those of less. The Clergy, here also, granted the King a separate Aid of 50,000 *l.* more, for one Year, towards carrying on the *French* War; for the raising of which extraordinary Sum, from that Body, the very Chantry-Priests were taxed according to their annual Stipends; as likewise

wife all other small Benefices which had never been <sup>K. Edward III.</sup> taxed before <sup>c</sup>.

A Great Council of the Estates, consisting of a select Number of Prelates and Lords, and one Knight and one Burgess of the last Parliament, as a Committee of it, sat at *Winchester* on the eighth Day after *Trinity-Sunday*, or *June 8*, this Year. The King, immediately on the granting this Subsidy, had sent out his Writs to the Sheriffs of every County in *England*, to cause them to return to him the Number of the Parish-Churches in each Shire. After which the Chancellor acquainted this Council, 'That the Number of Parishes in *England* would not answer the said Tax of 50,000 *l.* as might appear by the Certificates of all the Archbishops, Bishops, and Sheriffs, made and returned into Chancery by the King's Warrant.' These Certificates were examined by the Committee, and many Treaties and Conferences had upon the Matter; at last, to compleat the Sum of 50,000 *l.* the said Committee of Lords and Commons granted, out of every Parish in the Kingdom, the Sum of 116 Shillings, the former Sum of 22*s.* 3*d.* being included; except the County of *Chester*, which was a County Palatine, and the Church Lands, which were taxed to a Tenth; and, as before, Parishes of greater Extent and Value were to be contributory to the less. *John Stowe* has preserved a List of the several Counties of *England*, in which the Number of Parishes are mentioned, and their several Taxations fixed; which, since it is the first Tax of that Kind that we have yet met with, well deserves our Notice <sup>d</sup>.

At *Winchester*.

Which is augmented to 116*s.* by a Council on-ly.

*Joshua*

<sup>c</sup> Rot. Parl. 45 *Edw.* III. No. 1, 6, 7. *Abridg.* p. iii.—*Hollinghead* makes a very great Mistake here, and says that the Clergy denied this Subsidy, and excused themselves with fair Words and shuffling Answers; inso-much that the King was so displeased at them, that he removed the Chancellor, the Treasurer, and Privy Seal, being Clergymen, from their Offices, and put Laymen in their Stead, p. 406. This he took from *Fabian's Chron.* in this Year.

<sup>d</sup> Shires.	Parishes.	What every Shire did pay.
		<i>l.</i> <i>s.</i> <i>d.</i>
Bedfordshire	121	701 16 0
Berkshire	156	904 16 0
Buckinghamshire	200	1160 0 0
Cambridgeshire	172	997 12 0
Cornwall	194	1125 4 0
Cumberland	96	556 16 0
Derbyshire	99	556 16 0
		Devonshire

K. Edward III.

[ 308 ]

Remarks there-  
on.

*Joshua Barnes* makes the Proceedings of this Committee at *Winchester* go on with the last Parliament without any Distinction: But *Brady* and *Tyrrel*, who were after him, calls it only a Great Council at *Winchester*; and says it consisted of four Bishops, four Abbots, six Earls, six Barons, and such of the Commons as the King should please to appoint, who were of the last Parliament. Mr. *Tyrrel* goes on and remarks, That this is a plain Proof of the Difference between a Council and a Parliament; the former consisting of such Bishops, Peers, and Commons as the King pleased to call to it, and the other of all the Bishops, Earls, and Barons of *England*,

Shires.	Parishes.	What every Shire did pay.		
		£.	s.	d.
Devonshire	381	2149	16	0
Dorsetshire	237	1374	12	0
Durham	61	553	16	0
Essex	400	2259	18	0
Gloucestershire	254	1473	4	0
Herefordshire	144	834	4	0
Hertfordshire	136	730	16	0
Huntingdonshire	62	535	12	0
Kent	393	2279	8	0
Lancashire	58	336	8	0
Lincolnshire	627	3636	16	0
Leicestershire	209	1212	4	0
London	110	637	0	0
Middlesex	63	365	8	0
Norfolk	806	3674	16	0
Northamptonshire	303	1757	8	0
Northumberland	60	348	0	0
Nottinghamshire	164	951	4	0
Oxfordshire	200	1160	0	0
Rutlandshire	44	255	4	0
Shropshire	114	661	4	0
Somersetshire	391	2267	16	0
Southamptonshire	230	1334	0	0
Staffordshire	100	580	0	0
Suffolk	515	2926	0	0
Surrey	118	684	8	0
Sussex	284	1647	4	0
Warwickshire	183	1061	8	0
Westmoreland	32	185	12	0
Wiltshire	239	1386	4	0
Worcestershire	139	806	4	0
Yorkshire	540	3071	12	0

The Sum of all the Shires in *England*, without the City of *London* and the Bishoprick of *Durham*, be 37, and of Parish-Churches 8600, and all the Money amounted unto 50,181*l.* 8*s.* &c. of the which was withdrawn 181*l.* 8*s.* by the Reason that Parishes in the County of *Suffolk* paid but 112*s.* 7*d.* and the Parishes in *Devonshire* paid but 112*s.* 10*d.* for their great Poverty, and so was the King answered his 50,000*l.* *Stowe*, p. 269. But there seems to be a Mistake in his Calculations.

land, together with the Knights, Citizens, and Burgeſſes<sup>K.</sup> Edward III. elected by their ſeveral Counties, Cities, &c. But, adds he, How ſuch a *Council* could take upon them to alter or add to a Tax, that had been already granted by the *Whole Parliament*, is to him unintelligible: From which we reaſonably conclude, That this Great Council was no more than a Committee of Parliament, as we have call'd it, to meet and do Buſineſs, to ſave the Expence and Trouble of another general Aſſembly. And it is alſo to be remarked, That the Tranſactions of this Council, and of the preceding Parliament, are enter'd in the ſame Roll, and the Numbers continued, as if it was one and the ſame Aſſembly.

[ 509 ]

The Truth is, as it plainly appears by the Record itſelf, that, as ſoon as the Tax on Pariſhes was firſt granted, the King ordered his Chancellor, then Sir Robert de Thorpe<sup>e</sup>, to acquaint the Lords and Commons, ' That as the Feaſt of *Eaſter* and the Holy Week was ' near at Hand, the Petitions of the Commons could not ' all be answered within the Time, that therefore the ' King would ordain certain Lords and others to meet ' after *Eaſter* to cloſe the Points of their Petitions, and ' give ſuch Answers to them as ſhould ſuffice, and be ' agreeable to Reaſon.' After which ſome of the Petitions and Answers, which were ready, being read and answer'd, the King thanked the Commons for their Aid, gave them Leave to depart, and ſo finiſhed this Parliament<sup>f</sup>.

It appears, by this Extract, that the Parliament was entirely diſſolved, and that the King, by his own Authority, did appoint a Committee out of it, to meet at another Time and Place, to finiſh what was left undone before. This can answer to nothing more than our preſent Commiſſions to ſome Lords to paſs Acts, when the King is indiſpoſed and cannot come down to the Houſe himſelf: But, howſoever this was, it is certain that we never met with ſuch an Unparliamentary Proceeding, either before this Time nor ſince.

The Petitions of the Commons, which were not answered in the preceding Parliament, were answered at this Council; amongſt which the following is moſt remarkable:

The Commons petition that none of the great Offices of State may be held by Clergymen.

' For

<sup>e</sup> The Reaſon of this Change will appear in the Sequel.

<sup>f</sup> *Dona Conge a departer et iſſint finy le Parlement.* Rot. Parl. 45 Edward III. N<sup>o</sup>. 9.



K. Edward III. 'For that it had been declared to the King, in the late Parliament, by all the Earls, Barons, and Commons of England, That the Government of the Kingdom had, for a long Time, been managed by Men of the Church, whereby many Mischiefs and Damages had happened in Time heretofore, to the Dishonour of the Crown, and to the great Prejudice of the Kingdom: That it would therefore please the King, that Laymen, of sufficient Abilities, and no others, might, for the future, be made Chancellor, Treasurer, Clerk of the Privy Seal, Barons of the Exchequer, Comptroller, or other Great Officers and Governors of the Kingdom; and that this Matter might be so established, that it should never be defeated, or any Thing done to the contrary in Time to come, saving to the King the Removal and Choice of such Officers, yet so as they should be Laymen.'

[ 310 ]

The King's Answer was, *He would do in this Point what seemed best to him by Advice of his Council.*

Though the King was, as usual, very concise in his Answer to this Petition, yet we find that he thought of it soon after; for, even in this very Parliament, *William of Wickham*, Bishop of *Winchester*, and Lord-Chancellor of England, did deliver up the Great Seal to the King at *Westminster*, which was immediately given to Sir *Robert Thorpe*, one of the King's Judges in the Law. At the same Time *Thomas Brentingham*, Bishop of *Exeter*, was removed from being Lord-Treasurer, and was succeeded by *Richard Lord Scrope*, of *Bolton*. *Barnes* says, That it was then enacted that, for the future, the Chancellor, Treasurer, and Keeper of the Privy Seal, should not be Clergymen; but that secular Persons only should have those Employments.

The same Author has given us several Petitions and Answers of the King to the Commons at this second Session, as he terms it, which may be thought too tedious, and therefore we omit them. But an Embassy from

• Mr. Collier observes, That this Representation of a public Disadvantage of preferring the Clergy to Places of Power and Trust, is contradicted in the Preamble of an Act made in this King's Reign; for in the Statute of Provisors it is said, 'That the Kings, in Times past, were wont to have the greatest Part of their Council of Prelates and Clerks, for the Safeguard of this Realm; and that the Pope, by preferring Foreigners to Offices in England, unfurnished the Council-Board, and disappointed the Government.' And, adds that Author, this was urged as one Reason for passing the Act, and preventing Papal Provisions. *Collier's Eccles. Hist.* Vol. I. p. 561.

from the Pope, which happened at this Time, may be *R. Edward III.* worthy of Notice. Two Cardinals, one of them *Simon Langham*, late Archbishop of *Canterbury* and Chancellor of *England*, which last he had resigned for the more Apostolical Dignity of Cardinal, &c. were sent by his Holiness, with Letters of Credence, to treat effectually with King *Edward* about settling of a Peace between the two Crowns of *France* and *England*; but this was without any Success, for the latter had lost, and the former had gained, too much, at that Time, to be recovered any other Way than by the Sword.

[ 311 ]

The unfortunate Part of *Edward's* Life was now in its Crisis; Affairs in *France* grew every Day worse and worse, and *Charles*, the *French* King, without much Trouble or Danger, regained those Lands, Cities, and Countries, which had cost the other so much of both to win. The City of *Tours*, belonging then to the *English*, was closely besieged; and the Garrison obliged themselves to surrender, if they were not relieved, by such a Day, by King *Edward* or one of his Sons. To do this, the King raised a mighty Army, and he himself, with 400 Sail of Ships, put to Sea for its Rescue; but the Winds proving contrary, he and his whole Fleet were toss'd about for five or six Weeks, and then forced to return *Re infecta*. This was the last and most unfortunate Voyage that King *Edward* ever made, since, by these Accidents, he lost almost his whole Dominions on the other Side the Water.

The War with  
*France* unsuc-  
cessful.

Before the King set out on this last Expedition, he left his Grandchild *Richard*, only Son to the *Black Prince*, a Youth scarce seven Years old, Guardian of the Realm; appointing him a Council for the Management of all public Affairs<sup>f</sup>. On the first of *September*, in the Year

1372,

<sup>f</sup> *Josua Barnes* writes, That this was done in Parliament, and the Succession of this Prince to the Crown of *England*, after the Death of his Father and Grandfather, settled in that Assembly; when the King, the Prince, and his other Sons, and the rest of the Lords, swore to the Succession, and signed an Instrument to that Purpose. The Commons, he says, gave their Consents only by holding up their Hands. But Mr. *Tyrrel* has exploded this Error in *Froissart*, from whose Authority *Barnes* quotes, and says, That, besides the Absurdity of the Relation, in making the King himself swear to the Succession of his Grandson, there is no Mention made of any such Transactions, either in our Parliament-Rolls or any Historian, in Print or Manuscript, besides this Writer; from which he concludes it to be a Mistake, or Misinformation, in misdating this Transaction; for Prince *Richard* was not declared Heir Apparent to the Crown, till three Years after in full Parliament. *Tyrrel*, Vol. III. p. 734.

**K. Edward III.** 1372, Writs of Summons were issued out in the Name of this young Guardian, for a Parliament to meet fifteen Days after *Michaelmas*; but, before that Time, the King was return'd into *England*, so new Writs were sent out, dated at *Winchelsea*, the 6th of *October*, by which he called another Parliament to sit on the third of *November* following<sup>g</sup>.

[ 312 ]

Anno Regni 46.  
1372.

At *Westminster*.

The Lords and Commons being all assembled in the *Painted-Chamber* at *Westminster*, on the Day appointed, Sir *John Knyvet*, then Chancellor<sup>h</sup>, first acquainted them with the Reasons why a Parliament was called to meet about *Michaelmas* last, and then another summon'd to meet at the present Time. These Reasons are partly given before, and therefore unnecessary to repeat; but the Receivers and Triers of extra Petitions being afterwards appointed, the King commanded Sir *Guy Brian* to declare the further Cause of the Summons, which we find he did to this Effect: 'That the Prince of *Wales* ' having, by a Grant from his Father, enjoyed *Guienne*, ' he had often, by Letters, &c. signified to the King, ' that the Revenues and Profits, arising from that Prin- ' cipality, did not, nor could, suffice to maintain him and ' support the Government and Wars against the *French* ' their Enemies, and other necessary Charges, without ' a great Assistance from the King; and that the Prince ' having made these Things appear to the King and ' Council, when first he came into *England*, had there- ' fore surrendered into the King's Hands the said Prin- ' cipality, and all he could claim there by virtue of his ' Grant, in the Presence of the King and Lords of his ' Council.' The Prince of *Wales*, being then present, was asked if he assented to this; he answered in the Affirmative, and so that Matter was ended. The next Day the said Sir *Guy*, in the same Place, and before the said Assembly, more expressly declared the Cause of their Summons to this Effect:

' That the King, by Advice of his Parliament, had ' ordered several Commanders of Note to go over, ' some into *Gascoigny* and others to *Calais*, to oppose the ' De-

<sup>g</sup> This whole Parliament is omitted in the Abridgement of Records.

<sup>h</sup> This Chancellor begins his Speech, *Mes Sires et Commune*; which is very near our present, *My Lords and Gentlemen of the House of Commons*.

\* Designs of his Enemies, and to make War upon them K. Edward III.  
 ' by all the Ways they could : But that afterwards,  
 ' upon the sudden News that came to the King of their  
 ' March, he went himself to Sea with the rest of his  
 ' Forces ; yet, by reason of the Winds being contrary,  
 ' and other unavoidable Accidents, he was forced to re-  
 ' turn without doing any Thing. That, after having  
 ' summoned this present Parliament, he adjourned the  
 ' same, in order that the Lords, who were with him at  
 ' Sea, might be also there ; that, by the good Advice and  
 ' Council of them all, he might do the best he could  
 ' for the Safety of the Nation, and resist and oppose the  
 ' Malice of his Enemies, who had made themselves, by  
 ' Land and Sea, much stronger than ever they were be-  
 ' fore. He desired therefore the Prince, Prelates, Dukes,  
 ' Earls, Barons, and Commons, on the King's Behalf,  
 ' that they would consult about this Matter, and give  
 ' him such Counsel and Aid as should seem to them  
 ' most profitable to the Nation, and sufficient to reduce  
 ' the Power of his Enemies.'

The Prince, and all the rest of the Estates, consider- [ 313 ]  
 ing the great and excessive Charges and Expences the  
 King was to be at for the Defence of the Nation, and  
 maintaining the War against his Enemies, granted him  
 the former Subsidies on Wooll, Leather, and Wooll-  
 fells, for two Years longer, to begin at *Michaelmas* last  
 past, viz. of every Sack of Wooll that was shipp'd out  
 of *England*, 2*l.* 3*s.* 4*d.* of every twelve Dozen of  
 Wooll-fells, as much ; of every Last of Leather, 5*l.* of  
 Denizens, besides the old Custom : Of Foreigners, four  
 Marks on every Sack, besides the old Custom ; as much  
 on every twelve Dozen of Wooll-fells ; and 5*l.* 6*s.* 8*d.*  
 on every Last of Leather, or eight Marks. But whereas  
 the said Subsidy and Custom, so granted, could not be  
 sufficient for the great Expence and Charge the King  
 was to be at, for the Causes aforesaid, as it was plainly  
 made out to them, the said Estates moreover granted a A Supply grant-  
 ed on that Ac-  
 count.  
 Fifteenth for one Year, to be levied as the last.

On the 23d of *November* the said Lords and Com-  
 mons again assembled in the *White Chamber* ; when the  
 Chancellor declared to the King ' how kind the Parlia-  
 ' ment had been to him, in granting him the said Subsi-  
 ' dies and Fifteenth,' who very heartily thanked them  
 for



K. Edward III. for their great Aid; and then the Petitions of the Commons were read and answered according to Custom.

In this Parliament an Ordinance was made, too remarkable to be pass'd over without mentioning: It seems the King had been informed that some Sheriffs and Under-Sheriffs of Counties had returned themselves for Parliament, and also that many Lawyers had crept in for Cities and Boroughs, to the same End; to remedy which Evil, as it is called, the following Ordinance was brought in, read, and agreed to by the King and Parliament:

‘ **W** Hereas the People of the Law, who follow  
 ‘ divers Busineses in the King’s Courts for par-  
 ‘ ticular Persons, as their Proctors or Sollicitors, and  
 ‘ cause many Petitions to be exhibited in Parliament, in  
 ‘ the Name of the Commons, which do not at all con-  
 ‘ cern them, but only the particular Persons whose Bu-  
 ‘ siness they follow; Sheriffs also, who are common Mi-  
 ‘ nisters of the People, and ought to mind their Office,  
 ‘ by which they ought to do Right to every one, are  
 ‘ named, and have been before this Time returned in  
 ‘ Parliament, Knights of Counties, by themselves, being  
 ‘ Sheriffs: It is accorded and assented to in this Parlia-  
 ‘ ment, That, for the future, no Man of the Law, fol-  
 ‘ lowing Business, or practising in the King’s Courts,  
 ‘ nor Sheriff, for the Time he is Sheriff, may be return’d  
 ‘ or accepted for Knights of Counties; nor shall any  
 ‘ Lawyers or Sheriffs, for the future, return’d to Parlia-  
 ‘ ment, have any Wages.’

The great Lord *Coke*<sup>1</sup> takes up the Cudgels here in Defence of practising Lawyers sitting in Parliament, by catching at the Word *Ordinance*; which, he says, differs from a Statute or Act of Parliament. It is true that it does so, as we have explained at p. 315; but yet there are many Instances, in succeeding Parliaments, where they both mean the same; and, in this before us, this Ordinance had all the Sanction of an Act of Parliament, and, no Doubt, was understood so in those Days.

But, to take Leave of the Parliament we are upon, the King gave the Knights of Shires Leave to depart, and

<sup>1</sup> *Coke’s 4. Inst.* fol. 10 et 48.

and sue out Writs for their Wages and Expences; but K. Edward III. the Citizens and Burgeſſes were commanded to ſtay. When they, being again aſſembled the ſame Day before the Prince, Prelates, and Lords, granted, for the ſafe convoying of their Ships and Goods, a Cuſtom of 2 s. on every Tun of Wine imported or exported out of the Kingdom, and 6 d. in the Pound on all their Goods of Merchandize for one Year <sup>k</sup>.

On the 21ſt of *November*, the next Year, another Parliament met, by Summons, at *Westminster* <sup>l</sup>. In the Writs to the Sheriffs were theſe unuſual Clauſes, occaſioned, for ſure, by what paſſed in the laſt, *viz.* ‘ To  
‘ cauſe to be choſen two dubb’d Knights, or the moſt  
‘ worthy, honeſt, and diſcreet Eſquires of that County,  
‘ the moſt expert in Feats of Arms, and no others; and  
‘ of every City two Citizens, of every Borough two Bur-  
‘ geſſes, diſcreet and ſufficient, and ſuch who had the  
‘ greateſt Skill in Shipping and Merchandizing.

[ 314 ]

The King, Prince, Prelates, Earls, Barons, Great Anno Regni 47;  
Men, and Commons, being aſſembled in the *Painted-* 1373.  
*Chamber*, Sir *John Knivet*, Lord-Chancellor, declared At Westminster.  
the Cauſe of the Summons; telling the Lords and Com-  
mons <sup>m</sup>, ‘ They knew very well that, after the Peace  
‘ between the King and his Adverſaries of *France* had  
‘ been apparently broken by them, the King had many  
‘ Times ſent great Armies abroad to recover his Rights,  
‘ and to reſtrain the Malice of his Enemies; and lately  
‘ had ſent his Son, the King of *Caſtile* and *Leon* and  
‘ Duke of *Lancaſter*, with many Lords and others, to op-  
‘ poſe the Attempts of the *French*, who, by their good  
‘ and noble Conduct, and Feats of Arms, had done great  
‘ Damages and Deſtruction to his Adverſaries, as they  
‘ well knew, to the no ſmall Honour of the King, and the  
‘ Peace and Tranquillity of the Kingdom. That, beſides  
‘ the Sum granted by the laſt Parliament to the King in  
‘ Aid of theſe Wars, great and heavy as it was upon the  
‘ People, he had expended a great Sum of his own more  
‘ than that Subſidy came to. Further, the Lords and  
‘ others,

<sup>k</sup> Rot. Parl. 46 *Edw.* III. No. 1, 2, 3, 9, 13. This proves that the Citizens and Burgeſſes, in Parliament, were Merchants and Traders in thoſe Days.

<sup>l</sup> *Lendemain de Seingt Esmon.* Edmund.

<sup>m</sup> He begins his Speech, *Sires, et vous de la Commune.*

K. Edward III. ' others, who had ventured their Lives and Fortunes to  
 ' defend them from their Enemies, ought to be well re-  
 ' freshed and comforted with Force and Aid, and that  
 ' with as much Speed as possible, as was well known to  
 ' many of this Assembly who had been in the same Con-  
 ' dition themselves: Also, that their Enemy of *France*  
 ' made himself as strong as he could, not only by his own  
 ' People and Allies, but by Strangers of different Coun-  
 ' tries, and by all the Ways he was able, both by Land  
 ' and Sea. Wherefore the King charged and besought  
 ' them, considering the Dangers that might happen to  
 ' the Kingdom for these Causes, that they would speedily  
 ' consult upon the Matter, and give the King such Ad-  
 ' vice as might be for the Safety of him, the Nation, and  
 ' themselves; and as soon as possible, because the Sea-  
 ' son of the Year for Action was now approaching.  
 ' Lastly, the King told them by him, that this Business  
 ' required a very speedy Dispatch; and that he desired  
 ' that all Manner of Petitions, and other particular Af-  
 ' fairs, might be postponed untill this had a good Issue.  
 ' After which, he commanded the Commons to consider  
 ' and give their Advice upon the Points above said; tell-  
 ' ing them, they might depart for that Day, and come  
 ' again in the Morning.'

[ 315 ]

During this Consultation, a Committee of Commons was sent to the Lords, in the Name of the rest, to desire they might have some Bishops, Earls, and Barons, with whom they might treat and confer, for the better Issue of the Matter enjoined them. They named the Bishops of *London*, *Winchester*, and *Bath and Wells*; the Earls of *Arundele*, *March*, and *Salisbury*; and the Lords *Guy Brian* and *Henry le Scrope*; and it was agreed that they should go to the Commons, and treat with them in the Chamberlain's Chamber. This Consultation lasted a whole Week, that is, to the Eve of St. *Andrew*, or *November 29*; on which Day the King, Bishops, Lords, and Commons, being again assembled in the *White Chamber*, the Commons deliver'd to the King a Schedule, containing an Aid granted, which was read, beginning thus, *The Lords and Commons of England have granted to the King, in this present Parliament, a Fifteenth, &c.* the Substance of which Grant was two Fifteenths to be levied in two Years, according to the antient Manner,

Another Supply  
 for the same Pur-  
 pose.

to be paid at *Candlemas* and *Midsummer*; and if the *K. Edward III.* War ended the first Year, the second Fifteenth not to be paid. Also, Sixpence upon every Pound of Merchandize coming in or going out of the Kingdom, except upon Wooll, Leather, Wooll-fells, and Wine; of every Tun of Wine 2 s. for two Years, on the same Condition; likewise the Subsidy on Wooll to be received after *Michaelmas*, without Condition for the first Year, but under the same Condition for the second. These Subsidies were granted on Proviso, that no other Charge or Imposition should be laid upon the People for those two Years. Lastly, the Commons prayed, That what was granted might be spent in maintaining the Wars: That they might have Commissions sent into every County without paying for the Seals: And that no Knights of Shires or Esquires, Citizens or Burgeesses, returned for this Parliament, might be Collectors for this Tax<sup>a</sup>.

This Schedule being delivered to the King, was read before him, after which the Commons requested an Answer to their Petitions, which was promised; the chief whereof were these: [ 316 ]

*Petition.* ' That the Great Charter and Charters of the Forest be kept. *Petitions of the Commons, upon granting an Aid to the King.*

*Answer.* *It pleaseth the King.*

*Petition.* ' That the City of London, and all other Cities and Towns, may enjoy their Liberties, any Statute notwithstanding.

*Answer.* *Let any shew the Breaches in particular, and they shall be answered.*

*Petition.* ' That the Staple be kept in Calais, and no Patent or Grant be made to the contrary.

*Answer.* *The King will appoint the Staple as to him and his Council shall seem best.*

*Petition.* ' Certain Counties, there named, do pray, ' That, for their easier Carriage of Wools, a Staple may be at Lynn.

*Answer.* *The King granted thereto, so that still the Staple at Yarmouth shall continue.*

VOL. I.

Y

*Petition.*

<sup>a</sup> Rot. Parl. 47 Edw. III. No. 4, 5, 12. *Abridgment*, p. 116. From hence it appears, demonstratively, to have been the Sense of Parliaments in those Days, That such who had a Vote in the granting of a Tax, should have no Share in the collecting of it; and that consequently a *Place-Bill* is no Novelty in the Constitution.



*K. Edward III.* *Petition.* ' That as for the Tythe of Wood above  
' twenty Years Growth, it may be enacted, That no  
' Tythe shall be due, and that in all such Cases a Pro-  
' hibition may be granted.

*Answer.* *Such Prohibition shall be granted as hath  
heretofore been used.*

*Petition.* ' That Remedy may be had against the  
' King's Chirographer, because he will not engross any  
' Fine within the Term, untill the Foot of the Fine be  
' fretted<sup>b</sup>, unless he may have 3*s.* 4*d.* or 4*s.* more  
' than his due Fee of 4*s.*

*Answer.* *Let the Aggrieved come to the Common-Pleas  
and he shall have Right.*

*Petition.* ' That the Statute of Labourers may be  
' executed four Times in the Year, and that the Justices  
' may be removed for not doing their Duty<sup>c</sup>.

*Answer.* *The King granteth thereto.*

*Petition.* ' That Villenage may be only tried where  
' it is laid, and no<sup>e</sup> where else.

*Answer.* *The King meaneth not to alter the Law as to  
this Point.*

[ 317 ]

*Petition.* ' That Masters of Ships shall be paid their  
' Wages for them and their Mariners, from the Day of  
' their being appointed to serve the King.

*Answer.* *The taking up of Ships shall not be but upon  
Necessity, and the Payment shall be reasonable as hereto-  
fore.*

*Petition.* ' The said Masters of Ships request, that  
' they may have Allowance for the Tackling of their  
' Ships worn out in the King's Service.

*Answer.* *Such Allowance hath not been made heretofore.*

*Petition.* ' The Commons request Remedy against  
' the Provisions of the Pope, whereby he reaps the First-  
' Fruits of Ecclesiastical Dignities; the Treasure of the  
' Realm being thereby conveyed away, which they can-  
' not bear.

*Answer.* *The King hath already honourable Ambassa-  
dors at the Court of Rome, touching these Grievances,  
before whose Return he cannot well answer as to that  
Point.*

*Petition.*

<sup>b</sup> In the Original, *Deins le Terme qe la Pees del Fyne est trect.* It is translated as above in the Abridgment, *sed non intelligimus.*

<sup>c</sup> See before, p. 292.

*Petition.* ‘ The Burgesſes of *Briſtol*, in this Parlia-  
ment, require, That the ſaid Town, with the Sub-  
urbs thereof, may be a County of itſelf; and that the  
Perambulation of the ſame, with the Bounds thereof  
returned into the Chancery, with all the Liberties and  
Charters thereto granted, may be confirmed by Act  
of Parliament.

*Answer.* *The King is content to grant, that the Charters,  
Liberties, and Perambulation aforeſaid may be confirmed  
under the Great Seal.*

*Petition.* ‘ That Remedy may be had, that Men be  
not call’d into the Exchequer upon Suggeſtion, with-  
out Proceſs, contrary to the Statute made in the 42d  
Year of the King.

*Answer.* *Let any particular Man complain and he ſhall  
find Remedy.*

But, notwithstanding all theſe vaſt Subſidies and Aids  
granted to the King for carrying on the *French War*,  
Affairs went ſtill backward in that Kingdom; the Par-  
ticulars of which might ſwell this Hiſtory, but not be  
any Advantage to our Subject.—We meet with no  
Parliament for near four Years after the laſt Period;  
when a Truce, and Treaty of Peace upon it, obliged  
the King to call one, to have their Advice on ſeveral  
material Affairs. The Writs of Summons were dated  
*September* the 20th, to meet on the 12th of *February*  
following. But by other Writs, dated *January* the 20th,  
the King thought fit to prorogue this Parliament to the  
*Monday* after the Feaſt of *St. George*, or the latter End  
of *April*, in the Year 1376.

[ 318 ]

At the Time prefixed, the Prelates, Dukes, Earls, Anno Regni 50.  
Barons, Knights, and Commons, Judges, Serjeants at 1376.  
Law, &c. met in the *Painted-Chamber*, before the King, At *Weſtminſter*,  
where Sir *John Knivet*, Lord-Chancellor, opened the  
Sessions, which he declared was for the Cauſes follow-  
ing:

‘ The firſt and principal, was to adviſe about the  
‘ good Government and Peace of the Realm.

‘ For the Defence and Safety of the Kingdom as well  
‘ by Sea as Land.

K. Edward III.

‘ To take Order for the Maintenance of the War  
 ‘ with *France*, and elsewhere; and how and in what  
 ‘ Manner it might be done, for the best Profit, quickest  
 ‘ Dispatch, and greatest Honour of the King and King-  
 ‘ dom.’

He then expressly told them, That what the King had hitherto done was always with their Advice and Assistance, for which his Majesty entirely thanked them; and desired that they would diligently consult about these Matters, the Prelates and Lords by themselves, and the Commons by themselves, and give in their Answers as soon as they conveniently could.

The Commons, upon this, went to their wonted Place, the Chapter House of the Abbey of *Westminster*; the Prelates and Lords went also by themselves, and there were assigned a Committee of Lords to go to the Commons, to treat and confer about the King’s Declaration. The Lords who were of this Committee, were the Bishops of *London*, *Norwich*, *Carlisle*, and *St. David’s*; the Earls of *March*, *Warwick*, *Stafford*, and *Suffolk*; the Lords *Peirce*, Sir *Guy de Brian*, Sir *Henry le Scrope*, and Sir *Richard Stafford*; who, after due Consultation with the Commons, agreed upon a Grant for a Subsidy, the Preamble to which ran as follows:

[ 319 ]

Another Supply  
 to carry on the  
 Wars.

‘ The Lords and Commons assembled in Parliament,  
 ‘ having Consideration of the very great Charges and  
 ‘ Expences the King hath, and must be at for the main-  
 ‘ taining of his Wars, and his noble Estate, grant him  
 ‘ the Subsidy of Wooll, Leather, and Wooll-fells, as it  
 ‘ was granted him in the Parliament holden at *West-*  
 ‘ *minster*, in the forty-seventh Year of his Reign, from  
 ‘ the Feast of *St. Michael* next coming, when the Sub-  
 ‘ sidy then granted ended, to the End of three Years:  
 ‘ And the Commons humbly pray the King to excuse  
 ‘ them, that they have given him no other Subsidy or  
 ‘ Aid for his Wars, for that they were brought so low,  
 ‘ and so disabled by the Pestilence, the Murrain among  
 ‘ their Beasts, and Destruction of their Grain and other  
 ‘ Fruits by bad Weather, that they could not do more  
 ‘ at present; but promised, if any extraordinary Case  
 ‘ should happen, they would aid him to the utmost  
 ‘ of their Power, as they had done before, beyond all  
 ‘ the Commons of the World, to their Liege Lord.’

After

After this the Commons, considering the great Damage, Edward III. images that the Nation sustained by this long and expensive War, represented to the King and Lords, in this Parliament, ' That it would be for his Honour and Profit, as also that of the whole Realm, which was 'grieved in divers Manners by many Adversaries, by 'the Wars in *France, Spain, Ireland, Brittany*, and elsewhere, that the King's Council may be augmented with 'some Lords, Prelates, and others, to the Number of <sup>A Council appointed to attend the King constantly.</sup> ten or twelve, who should be continually near the King; so as no great Business might pass without the 'Advice and Assent of six, or four of them at least, as 'the Case required'. To this Request the King, understanding the Purport of it to be as well for the Honour and Profit of himself as of the whole Kingdom, readily consented: Provided, always, that the Chancellor, Treasurer, and Privy Seal might execute their Offices without the Presence of any of the said Counsellors, whom the King was to assign, from Time to Time, of such as he pleased, who were to be sworn to keep this Ordinance, to do Right to every one according to their Power, without receiving any Reward for so doing. The rest of the King's Officers were also to be sworn to receive no Gifts, Fees, or Rewards, other than their Salaries, Liveries, and Travelling Charges<sup>d</sup>.

[ 320 ]

The further Proceedings of this Parliament take up several Folio Pages in *Joshua Barnes's* History of this King's Reign, which he has translated from the Records; and which indeed are much longer in themselves than of any Parliament we have yet met with: But, as the Scope of our Design will not allow us to be so particular as that Historian, we shall give the Abstracts of the Proceedings of this Parliament in a shorter Manner from *Brady and Tyrrel*, carefully compared with the Rolls.

The Commons made Protestation, ' That they now 'were, and always have been, and will be, ready to 'aid the King with their Bodies and Goods, to the utmost of their Power; yet if the King had always had 'about him loyal Counsellors and good Officers, he 'had been now rich in Treasure, so that he should not 'have needed so much to have charged his Subjects with

A Protestation of the Commons against the Conduct of the King's Ministers.

Y 3

so

<sup>d</sup> Rot. Par. 50 Edw. III. No. 2, 9, &c. *Walsingham*, p. 189.



K. Edward III. 4 so great Subsidies, or Tallages, considering the vast Sums of Gold which were brought into the Kingdom for the Ransom of the Kings of *France* and *Scotland*, and other Prisoners.' It further seem'd to them, 'That, for the particular Profit and Advantage of some private Persons about the King, and their Confederates, the Realm was much impoverished, and many of the Merchants undone; wherefore they thought it very profitable to the King and his whole Kingdom, to have all these Things duly amended, so soon as might be.' And farther the Commons promised the King, 'That, if he would do Justice and speedy Execution upon such as should be found culpable, and proceed with them as Law and Reason required, they would undertake he should be so rich as to be able to maintain his Wars, and support his other Affairs for a long Time, without any great Charge to the Commons.'

They then propounded three especial Points to be inquired into and amended.

[ 321 ]

'First, Whereas the Staple of Wooll, and other Staple Merchandizes and Bullion, was lately ordain'd, in Parliament, to be at *Calais*, and no where else, for the great Profit of the King and Kingdom, the Advantage and Amendment of the Town, for the Concourse of Merchants, and their continual Residence there; the said Staple, Bullion, and Trade was removed from thence, and like to be lost, by the Procurement and Counsel of the said particular Persons about the King, and their Confederates, for their own Profit, to the great Damage and Prejudice of the King and his Realm, and the Destruction of the Town of *Calais*.'

'Secondly, Whereas the King had need of divers Sums of Money for his Wars and otherwise; some Persons, by Consent and Contrivance of the said particular Persons about him, made Agreement for divers Sums to the Use of the King upon Usury, taking more from him for Interest than they bargained for, to the Deceit and grievous Damage of the King.

'Thirdly,

'In the Collection of Public AEs is the Order from the King and Parliament, for strictly keeping the Staple at *Calais*, wherein these Commodities are mentioned to be exported thither from this Kingdom.

— *Ordinaverimus quod Stapula nostra Lanarum, Coriorum, et Pellium Ianatarum, nec non Plumbi, Stanni, et Pannorum vocatorum Worstedes, ac Casei, Butiri, Plumæ, Gaulæ, Mellis, Felpariæ, et Cepi.* Tom. VII. p. 118. Anno 1376.

‘*Thirdly*, Whereas the King was Debtor to divers People upon Record in great Sums, several had, by Assent and Contrivance of the said Persons, bargain’d with his Creditors for the tenth, twentieth, or hundredth Penny; and procured the King to pay the whole Debt, in Deceit of the King and his Creditors, for the particular Profit of themselves and Confederates.’

Upon these Articles several were impeach’d by the Commons; as *Richard Lyon*, Merchant of *London* and Farmer of the King’s Subsidy, and the Lord *Latimer* his Confederate, who were imprison’d and disfranchis’d, and render’d incapable of bearing any Office under the King, or to approach his Council or Court, besides their Goods and Chattels being seized into the King’s Hands.

Impeachments in  
Consequence  
thereof.

The Commons farther petitioned, ‘That Justices of the Peace might be named in every County by the Lords and Knights of the said County in Parliament, and sworn before the King’s Council, and not to be removed without Consent of Parliament; and that they might be allowed reasonable Fees. The King’s Answer was, ‘They should be named by him and his continual Council; and as to Fees he would consider of it.’

[ 322 ]

This Parliament sat, from the Time above-mention’d of their Meeting, to the 6th Day of *July* following: A longer Session than any we have yet met with; and really the Multiplicity of Business done in it, as in Impeachments, &c. besides the Petitions of the Commons, which of themselves amounted to 223 separate Articles, will make it a Matter of Wonder, now, how so much could be gone thro’ in so little Time. Add to this, that the King falling sick at *Eltham*, the whole Parliament adjourn’d thither, where all the Petitions of the Commons were read and answered at that Place. And to shew that all the People of *England* were well pleased with the Proceedings of this Parliament, it was, for a long Time after, called the *Good Parliament* <sup>f</sup>.

About this Time *Alice Pierce*, or *Perrers*, the King’s Mistress, as she is call’d, had such an Ascendency over him, that she had the Assurance not only to intermeddle with public Affairs, but also to appear and sit in the Courts of Judicature, both Civil and Ecclesiastical, and publicly

The Commons  
complain of the  
Influence of the  
King’s Mistress  
in public Affairs.

<sup>f</sup> *Hollingshead*, p. 410; *Fabian*, 115; *Stowe*, 271.

**K. Edward III.** publicly defend those Causes she had undertaken to promote: And therefore, for the great Scandal and Reproach it cast upon the King and his Government in foreign Countries, the Commons had particularly petitioned for her Removal from the King's Person, tho' it seems this Petition had no great Effect; for, not long after the Dissolution of this Parliament, she was again restored to the King's Favour, and to that Degree, as to be revenged upon her Enemies; for she procured Sir *Peter de la Mare* to be committed close Prisoner to *Nottingham* Castle, where he lay till the Beginning of the next Reign; and that for no other Reason, but because he had spoke too freely against this *Alice Pierce* in the late Parliament §.

The Death of  
Edward the  
Black Prince.

[ 323 ]

His Son Richard  
thereupon de-  
clared Heir Ap-  
parent.

This Year was designed to have been celebrated as another Year of Jubilee, by King *Edward*, being the 50th of his Reign <sup>h</sup>. But it proved far otherwise than a Jubilee to him, by the Death of his eldest Son *Edward* Prince of *Wales*, the greatest and most successful Warrior of the Age. He himself never saw another Year; and, being grown very old, and weak both in Body and Mind, *John* Duke of *Lancaster*, now his eldest Son, governed both him and the Kingdom at his Pleasure <sup>i</sup>. This Prince, being of a haughty and proud Disposition, was no ways pleasing to the Commons; and it is thought, by Historians, had an Eye to the Succession after his Father's Decease. Whether the old King suspected this or not is uncertain; but, in Compliance with the Petition of all the Estates, in the last Parliament, he did, by his Letters Patent, immediately after create his Grandson *Richard*, Prince of *Wales*, Duke of *Cornwall* and Earl of *Chester*, as his Father had been before him; upon which, says *Froissart*, he declared to the Duke of *Lancaster* and the rest of his Sons, that Prince *Richard* was of Right to reign over them. Moreover, on *Christmas-Day* following, the King dining in State, placed him

at

§ Sir *Peter de la Mare* was a *Herefordshire* Gentleman, and Knight of the Shire for that County; but no Speaker of the Commons in this Parliament, as *Walsingham* and others after him relate.

<sup>h</sup> There is an Act of Grace passed this Year, called the *Jubilee*, in the *Statutes at large*. *An. Reg.* 50, and confirmed in the first of *Richard II.*

<sup>i</sup> Contrary to the Design of the last Parliament, who had provided, That, since the King, thro' Age and Weakness, was unable to govern, twelve of the most sage and discreet Lords, six at a Time, should dispose of all National Affairs under him, *Kennet* in *Daniel*, p. 232.

at the Table above all his Sons, to shew them that he *K. Edward III.* designed him for his Successor <sup>k</sup>.

The late Truce being ended betwixt *France* and *England*, and the Government here having Notice of a Design forming against them by the *French* King, in order to invade *England*, and that he had made a fresh Alliance with *Castile* and *Scotland* for that Purpose, in order to prevent this, and to make all necessary Preparations for a War, the King issued out Writs for a Parliament to meet the 27th of *January* next coming, at *Westminster*. But the poor old King was then so indisposed as not to be able to appear; and a Commission was granted to *Richard* Prince of *Wales*, who was then about ten Years of Age, to hold the Parliament in his Stead <sup>l</sup>.

At the Day of their Meeting, in the *Painted-Chamber*, Anno Regni 51.  
the young Prince sitting in the King's own Seat, Dr. 1377.  
*Adam Houghton*, Bishop of *St. David's*, Lord Chancellor, made a Speech to the Assembly, in the Nature of a Sermon, upon this strange Text, *Ye suffer Fools gladly, seeing that ye yourselves are Wise*. The Application he made of his Subject was, 'That they, being wise, desired to hear him who was the contrary;' he proceeded with Scripture, and said, 'That as a Messenger who bringeth joyful Tidings is welcome, so ought he to be now, since he brought them the joyful News of the King's happy Recovery from a dangerous Sicknes.' From hence he took Occasion to argue, 'That God loved the King and the Realm; the King, because, *Quos diligit castigat*, whom the Lord loveth he chasteneth; and further, from that of the Psalmist, *Uxor tua sicut Vitis abundans in Lateribus*, thy Wife shall be as  
[ 324 ]  
' the

<sup>k</sup> Froisart's Words are these: *And after the Feast of St. Michael, when the Obsequy of the Prince was done and finished, then the Kyng of Englande made to be knowen to his Sonnes, the Duke of Lancastre, the Erle of Cambridge, and to the Lord Thomas, the yongest, and to all Barons, Erles, Prelats, and Knightes of Englande, howe that the yonge Richarde shoulde be Kyng after his Discease: And so caused them all to swere solemnly to maynteyne him; and on Christmase-Day the Kyng made hym to sytte at his Table above all his own Children, in great Estate; representing that he shoulde be Kyng after his Discease.* Froisart's Chronicle, translated by Sir John Bourcier, Knight, London 1525, fol. cxvii.

<sup>l</sup> This Commission to *Richard* Prince of *Wales*, called there *Filius noster carissimus*, is in Rymer's *Fæd. Tom. VII. p. 134. Dat. apud Haverynge, [in Effex] vicesimo sexto Die Januarii.*



K. Edward III. ' the fruitful Vine, &c. and from thence he shewed that  
 ' no Christian Prince could be so happy ; which Happi-  
 ' ness he exaggerated from another Quotation, *Ut videas*  
 ' *Filios Filiorum*, thou shalt see thy Children's Children ;  
 ' which the King now had the Pleasure to see : That  
 ' God lov'd the Realm he proved from the Recovery of  
 ' so renown'd a Prince ; the said Recovery happening in  
 ' the 50th Year of his Reign ; the Year of Jubilee, the  
 ' Year of Joy for his said Recovery ; of Joy, because he  
 ' would thereby impart unto his Subjects Blessings, as  
 ' well spiritual as temporal, all bodily Comforts : Then  
 ' from a Similitude, That although the Head be sound,  
 ' if some particular Member of the Body be diseased, the  
 ' same infected Part can receive no Virtue, Benefit, or  
 ' Remedy from the Head ; so he inferred that the King  
 ' being now the sound Head, and willing to shew Grace  
 ' and Favour to his Subjects, they ought to qualify them-  
 ' selves a-right by approving their Loyalty sound and  
 ' uncorrupted ; and therefore he persuaded such, as  
 ' would be Partakers thereof, to conform themselves,  
 ' by having Love and Charity, without which he pro-  
 ' ved, by *St. Paul*, nothing would avail.'

[ 325 ]

After the Prelate had thus preached up Loyalty to the  
 whole Audience, he addressed himself, particularly, to  
 the Lords, and told them, ' what Reason they had to  
 ' think the King lov'd them dearly, since, amongst other  
 ' gracious Tokens of his Good-will, he had, upon their  
 ' Requests, since the last Parliament, advanced the Lord  
 ' *Richard*, there present, to be Prince of *Wales*. Then  
 ' he proceeded to shew what Cause they had to cherish  
 ' the said Prince, by offering unto him, as the Wise Men  
 ' did to *Christ*, all Honour, by presenting him Gold, in  
 ' Token of Riches and Renown, and Myrrh, in Token  
 ' of his honourable Sceptre ; since even the Pagans were  
 ' used to throw abroad Money at the Approach of any  
 ' of their Princes.' He insisted, ' That the said Prince  
 ' should, without all Rancour, be embraced with their  
 ' Hands and Hearts, even as *Simeon* embraced *Christ*,  
 ' because their Eyes had now seen that which their Hearts  
 ' had much longed for ; that they ought to obey him as  
 ' the Vicar and Legate of God, that they might see  
 ' the true Peace of *Israel*, viz. here in *England*, the  
 ' Inheritance of God ; of which many Victories had  
 ' assured

‘ assured him there was no small Hope <sup>n</sup>.’ Lastly, and <sup>K. Edward III.</sup> which was much more to the Purpose, he declared the Cause of summoning this present Parliament to be, ‘ for that the *French* King, under Colour of the Truce, ‘ granted by the King at the Mediation of the Pope, yet ‘ enduring, had allied himself both to the *Spaniards* and ‘ *Scots*, the King’s Enemies, and had prepared great ‘ Quantities of Arms and powerful Armies, thereby ‘ conspiring to blot out the *English* Tongue and Name ‘ from under Heaven. In which Case the King requir’d ‘ their faithful Counsel, and he prayed them to consult ‘ together for that Purpose, that the King might have ‘ their Answer as soon as possible <sup>n</sup>.

After the Lord-Chancellor had ended his long Harangue, which the Reader will find favours much of the Court-Sycophant, and of worshiping the rising Sun, he was seconded by Sir *Robert Ashton*, the King’s Chamberlain °, and Lord High Treasurer of *England*, who said, ‘ That he had a particular Charge to move to them ‘ from the King, for the Profit of the Realm; that be- ‘ cause divers Usurpations were by the See of *Rome* made ‘ upon the King, his Crown and Realm, as by par- ‘ ticular Bill in this Parliament should be declared, he ‘ required them to seek Redress; yet the King at the ‘ same Time protested, that he was ready to do all that ‘ he ought to satisfy his Holiness about it.’ And after the usual Form of receiving Petitions from the different Parts of the King’s Dominions, and appointing the Tryers of them, the Commons were desired to repair to the Chapter-House of *Westminster* Abbey, there to treat and advise how a fitting Resistance might be made against the Enemies of the Nation, for the Safety of the King, Kingdom, Navy, and themselves; and how Money might be most speedily raised with the least Grievance of the People. Certain Lords, as before, were also named, from Time to Time, to confer with the Commons, for their better Direction and Information.

[ 326 ]

The

<sup>m</sup> *Vox Angeli ad Monachum Regni Statum deplorantem, ob extinctam Regiam Presupiam, Regnum Anglorum est Regnum Dei, Deus providebit pro suo Regno.*

<sup>n</sup> Abridgment of the Records, *An. 51 Edw. III. p. 144, &c.*

° *Tyrrel* observes, that the Prelate had the Address to break off when the Usurpations of the Pope came in Question; and therefore this Part of the Harangue, relating to Papal Provisions, was left to be managed by a Layman.

K. Edward III.

A Poll-Tax  
granted,

The Result of these Consultations was, that, to maintain the King's Wars, and the great Charge he would be at for them, and the necessary Defence of the Kingdom, the Lords and Commons granted him 4 *d.* by way of Poll from every Person of the Kingdom, Male and Female, above fourteen Years of Age, except mere Beggars; and most humbly pray'd their Liege Lord, 'That he would please to excuse them that they could grant him no greater Subsidy, being most willing to have done it; but that they were so impoverish'd of late by great Losses at Sea, and otherwise, that they were not able at present to do more.

And the Commons prayed the King, 'That he would please to name two Earls and two Barons for his Treasurers, as well of this Subsidy, as of that the Clergy was yet to grant, and also of the late Subsidy on Woolls, Pells, and Leather, granted the last Parliament; and that they might be sworn in their Presence, that what was received by them should wholly be expended upon the Wars, and not otherwise; and that the High Treasurer of *England* should receive nothing, or any ways meddle therein.

[ 327 ]

But afterwards, when they had considered what Sum the Wages of such four Treasurers would amount unto by the Year, the Commons departed from this Request, and prayed, 'That the High Treasurer might be Receiver, to the Use of the War, in Manner accustomed.'

Petitions of the  
Commons.

The Commons, in this Parliament, farther besought the King, 'That a Charter lately granted in the Great Council, to the Mayor, Aldermen, and Commons of the City of *London*, upon the Article, *That no foreign Merchant ought to sell to another strange Merchant any Goods or Merchandize, to sell again, in Manner as in the said Patent is more fully contained*, might be renewed and granted, as well to other Cities and Boroughs, as to them, with a Charter, or Clause of Confirmation.'

The Answer to which was no more than, that *The King will be farther informed.* Which shews that, for some Reasons, he did not think fit, then, farther to confirm it.

At

At the same Time the Commons, with the Mayor, K. Edward III. Aldermen, and Commonalty of the City of London, petition'd the King, 'That whereas divers Mischiefs often happen'd in the said City, by reason the Coroner was not punishable by the Mayor, Aldermen, and other Officers; that they might chuse a Coroner of themselves, and remove him when they pleas'd, as it was practis'd in divers Cities and Towns of the Land, they answering to the King in Manner as appertain'd to the said Office.' The King's Answer was, *The King will not depart from his antient Rights.*

And they farther petitioned in this Case, 'That all Provisors of Benefices from Rome, with their Officers or Servants, may be put out of the King's Protection, if they sue, prosecute, or any ways disturb, or cause to be excommunicated, the true Patrons.' The Answer was, *The Pope had promised Redress, and if he makes it not, the Laws in this Case shall be in Force.*

The Commons also prayed, 'That whereas, in the last Parliament, by untrue Suggestions, and without due Process, the Lord Latimer, one of the Peers of the Realm, and sufficient to be of the King's Council, as well for his Wars as otherwise, was ousted of all his Offices, and discharged from the King's Privy Council; that he may, by Award of this present Parliament, be restored to his former Estate and Degree, to the great Profit of the Kingdom.' Accordingly the Sentence against him and Alice Pierce, and several others who had been impeached, was revers'd P.

[ 328 ]

The Award of the last Parliament against several Persons, revers'd in this.

Notwithstanding what the prelatical Orator delivered to the Parliament about the King's Recovery, 'tis plain, from the Record, that he still lay sick at Shene, in Surrey; and that on the 22d Day of February, when other Business was done, certain of the Bishops and Lords, with the Chancellor, Treasurer, Keeper of the Privy Seal, and all the Judges, were commanded to attend the King at that Place; where, in his Presence, and before the Duke of Lancaster and others of his Council, the Articles of a General Pardon and Grace, which the King had granted to all his Subjects, were rehearsed. After which the further

P Tyrrel, upon this Occasion, remarks, That even in these early Times one Parliament often acquitted those whom a former had condemn'd. See before, p. 342.



K. Edward III. further Petitions of the Commons were read, and answered by the King; which were also, the next Day, read publickly before both Houses, and so ended this Parliament.

The Parliament petition the King that no Tax may be imposed but by common Assent in full Parliament.

But, before we take a final Leave of this great King and the Parliaments called in his Time, we shall give what Mr. *Prynne* (the Publisher of what is commonly called *Cotton's Abridgment*) has added as a Remark of his own, of which he desires the Reader to take Notice: ‘ The Prelates, Dukes, Earls, Barons, Commons, Citizens, Burgesses, and Merchants of *England*, in this Parliament, petition the King, not only *For a Pardon in general, and of all Fines and Amerciaments before the Justices of the Peace, not yet levied in special;* which this Abridgment only toucheth, but they likewise subjoin thereto this memorable Request (totally omitted by the Abridger) which I thought meet here to supply <sup>a</sup>, *That in Time to come your said Prelates, Earls, Barons, Commons, Citizens and Burgesses of your Realm of England, may not be henceforth charged, molested, nor grieved to make any common Aid, or sustain any Charge, unless it be by common Assent of the Prelates, Dukes, Lords, and Barons, and other People of the Commons of your Realm of England, and that in full Parliament; nor no Imposition put upon their Woolls, Wooll-fells, and Leather, or any the antient Custom; That is to say, of one Sack of Wooll Half a Mark, and of three Hundred Wooll-fells Half a Mark; and of one Last of Skins one Mark of Custom only, according to the Statute made the 14th Year of your Reign; saving to you the Subsidy granted unto you the last Parliament for a certain Time, and not yet levied.*

[ 329 ]

To which last Clause the King then gave this Answer: ‘ As to the Clause, That no Charge be laid upon the People without the Commons’ Assent; the King is not at all willing to do it, without great Necessity, and for the Defence of the Realm, and where he may do it with Reason. And as to the Clause, That Impositions be not laid upon their Woolls without Assent of the Prelates, Dukes, Earls, Barons, and other People of the Commons of this Realm, there is a Statute

<sup>a</sup> From the Parliament-Roll at large of 51 Edward III. No. 25.

'tute already made, which the King wills that it should K. Edward III.  
'stand in Force.'

Another Affair, which we must not omit, is, That this is the first Parliament in which we find a Speaker of the House of Commons expressly named as such; and here Sir *Thomas de Hungerford*, Knt. was appointed Speaker by the Evidence of the Record itself<sup>r</sup>. There is no Doubt to be made but that, in former Parliaments, and perhaps in all ever since the Commons were call'd to sit there, a public Orator, or one that was chosen by the rest to deliver their Petitions to the King, was elected; but no one is particularized in the Records, for having that Office, before the last-named Gentleman; tho', for the future, the Records go very regularly on in giving us their Names, even down to the present Times.

Sir THOMAS DE HUNGERFORD first Speaker of the House of Commons on Record,

We have now brought our Parliamentary Inquiries to the Period of this King's Reign, who died the 21st Day of *June*, this very Year 1377, in the 65th Year of his Age, and in the 51st of his Reign. We shall not attempt his Character: Let the more general Historians speak it. We shall only remark, that the constant good Understanding which he ever kept up with his Parliaments, thro' the whole Course of a very long Reign, is a sure and certain Proof, that his Conduct was very acceptable to his People<sup>s</sup>.

The Death of Edward III.

### TAXES in this King's Time.

**I**N his sixth Year he had granted him a Fifteenth from the Counties, and a Tenth from the Cities and Boroughs, for one Year<sup>t</sup>.

Taxes granted in his Reign.

In his eighth Year he had the same, and a Tenth granted by the Clergy<sup>t</sup>.

In his tenth Year he had the same Tax from the Laity and a Sixth from the Clergy<sup>t</sup>.

In

<sup>r</sup> Called in the Record, *Monsieur Thomas de Hungerford, Chevalier; qui avoit les Paroles par les Communes d'Angleterre en cest Parlement, &c.* Rot. Parl. 51 Edw. III. No. 87.

<sup>s</sup> This King built the Chapel of St. Stephen's, in the Palace of Westminster, and made it a College. At the Reformation it was dissolved, and has been ever since made Use of as the House for the Commons to meet in.

<sup>t</sup> *Thomas Wykes,*

*K. Edward III.* In his eleventh Year he had a Three-years Tenth given him by the Clergy in Convocation, a Three-years Tenth given him by the Citizens and Burgesſes in Parliament; and alſo a Three years Fifteenth, to maintain the War then begun with *France*, and to pay the  *Germans, Brabanters*, and other Confederates on the Borders of *Germany*, againſt the King of *France* <sup>w</sup>.

[ 330 ]

The next Year, in order to carry on the War againſt *France* the more vigorously, the Laity gave the King one Half of their Woolls, &c. <sup>x</sup>

In his thirteenth Year the Great Men gave him the tenth Sheaf of all Manner of Grain of their Demefne Lands, except of their Bond Tenants, with the tenth Fleece and the tenth Lamb <sup>y</sup>: Then a Parliament was ſummoned to meet eight Days after *St. Hilary*, or 20th of *January*, in which the Commons gave the King 30,000 Sacks of Wooll <sup>z</sup>.

In his fourteenth Year the Prelates, Earls, Barons, for themſelves and their Tenants, the Knights of Counties for themſelves and the Commons of the Land, granted to the King the ninth Sheaf, Fleece, and Lamb; but the Cities and Burgeſſes gave the Ninth of all their Goods, according to the true Value, for two Years next coming; and thoſe that lived not in Cities and Boroughs, nor lived upon Tillage or Shop-Trades, paid the fifteenth Part of all their Goods, according to the true Value <sup>a</sup>. Upon the King's writing to the Parliament for ſpeedy Supply, ſeeing the Ninths could not be levied Time enough for his Service, the Lords and Commons agreed to have 20,000 Sacks of Wooll ſpeedily provided.

The Clergy, in their Convocation, *October 1*, this Year, granted a triennial Tenth, and that the firſt Year ſhould be paid in much leſs Time than uſual <sup>b</sup>.

In his fifteenth Year the Ninths were revoked, in reſpect of this Grant of 20,000 Sacks of Wooll <sup>c</sup>.

In his eighteenth Year the Clergy of the Province of *Canterbury* granted a Three-years Tenth; and the Knights of Counties gave two Fifteenths, and two Tenths of Cities

<sup>w</sup> *Ad. Mur. ad Annum 1337.*

<sup>x</sup> See p. 348.

<sup>y</sup> Rot. Parl. 13 *Edward III.* Part I. No. 5.

<sup>z</sup> *Ibid.* Part II. No. 5, 6, 7.

<sup>a</sup> *Ibid.* 14 *Edward III.* Part I. No. 5, 6, 7.

<sup>b</sup> *Ibid.* Part II. No. 9, 10. *Knyghton*, col. 2576.

<sup>c</sup> *Ibid.* 15 *Edward III.* No. 5, 6.

Cities and Boroughs; and afterwards the Commons <sup>K. Edward III.</sup> granted another Fifteenth. The Lords promised to go with the King in Person, and therefore gave nothing <sup>a</sup>.

In his twentieth Year the Commons granted two Fifteenths, to be levied in two Years, in Cities, Boroughs, and antient Demesnes, as also of the Commons of the Counties; so that, if within that Time the *French* War should cease, the latter Fifteenth should cease also <sup>b</sup>.

In his two-and-twentieth Year the Commons granted three Fifteenths, to be levied in three Years, so as one Fifteenth was to be levied in each Year, and no more <sup>c</sup>.

[ 331 ]

In his five and six and twentieth Years the Great Men of the Realm and the Commonalty granted the King three Tenths, and three Fifteenths, to be paid in three Years <sup>d</sup>.

In his seven-and-twentieth Year the King made it his Request, That the Prelates, Great Men, and Commons, would grant him the Subsidy of Wooll-fells and Leather, for some Time; to which Prayer they unanimously consented, and granted that Subsidy in Manner as it had been received before that Time for three Years to come <sup>e</sup>.

In his nine-and-twentieth Year the Commons came into the Presence of the King, Prelates, and Great Men, assembled in the *White Chamber*, and having there a short Conference with the Great Men, granted unanimously the Subsidy on Wooll, Leather, and Wooll-fells for six Years next coming, 50s. on each Sack, so as, during that Time, no other Impositions or Charges be put upon the said Commons <sup>f</sup>.

In his thirty-sixth Year the Great Men and Commons granted unto the King, of every Sack of Wooll transported, 20s. of every three hundred Wooll-fells, 20s. and of every Last of Leather, 40s. besides the antient Custom of Half a Mark a Sack of all Denizens, and 10s. for Strangers; Half a Mark for every three

VOL. I.

Z

hundred

<sup>a</sup> Rot. Parl. 18 Edw. III. No. 9, 10.

<sup>b</sup> Ibid. 21 Edw. III. No. 11.

<sup>c</sup> Ibid. 22 Edw. III. No. 4.

<sup>d</sup> Ibid. 26 Edw. III. Part I. No. 9, 10.

<sup>e</sup> Ibid. 27 Edw. III. No. 31.

<sup>f</sup> Ibid. 29 Edw. III. No. 11.



*Edw. III.* hundred Wooll-fells of Denizens, and 10*s.* of Strangers; and one Mark for every Last of Leather of Denizens, and 20*s.* of Strangers, for three Years <sup>g</sup>.

[ 332 ] In his forty-second Year the Prelates and Great Men, having had full Deliberation with the Commons, granted the Subsidy on Wooll, Wooll-fells, and Leather, for two Years; of every Sack of Wooll, and every twelve Score of Wooll-fells, 36*s.* 8*d.* of every Last of Leather, 4*l.* besides the antient Customs as before <sup>h</sup>.

In his forty-third Year the Lords and Commons granted to him the Subsidy as above for three Years; of every Sack of Wooll, 43*s.* 4*d.* which passed beyond Sea; of every twelve Score of Wooll-fells as much; and of every Last of Leather, 4*l.* besides the antient Custom; of Strangers, for every Sack of Wooll, four Marks; of every twelve Score of Wooll-fells, four Marks; and of every Last of Leather, eight Marks, besides the antient Custom <sup>i</sup>.

In his forty-fifth Year the Great Men and Commons granted a Subsidy of 50,000*l.* to be levied of every Parish of the Land 22*s.* 3*d.* so as the Parishes of greater Value should contribute rateably to those of less Value <sup>k</sup>. This 22*s.* 3*d.* answered not the Sum of 50,000*l.* and therefore not long after, at *Winchester*, the Great Men and Commons granted 110*s.* out of every Parish, the 22*s.* 3*d.* being comprized in it; so as the Parishes of greater Value should contribute to those of less <sup>l</sup>.

The Clergy also gave the King a Tax of 50,000*l.* on their Body, to which Rate even Chantry Priests were not spared <sup>m</sup>.

In his forty-sixth Year the Lords and Commons granted for two Years the Subsidy on Wooll, Leather, and Wooll-fells, as it was granted in the 43d Year <sup>n</sup>. And for that this Subsidy proved not sufficient for the King's Expences, they granted a Fifteenth for one Year, to be levied as the last was <sup>o</sup>. Besides this, the Citizens and Burgeses in this Parliament, for the safe conveying  
of

<sup>g</sup> Rot. Parl. 36 *Edw.* III. No. 35.

<sup>h</sup> *Ibid.* 42 *Edw.* III. No. 9.

<sup>i</sup> *Ibid.* 43 *Edw.* III. No. 9, 10.

<sup>k</sup> *Ibid.* 45 *Edw.* III. No. 6.

<sup>l</sup> *Ibid.* No. 10, 11.

<sup>m</sup> See p. 306, 7, 326, 7.

<sup>n</sup> Rot. Parl. 46 *Edw.* III. No. 10.

<sup>o</sup> *Ibid.* No. 11.

of their Ships and Goods, granted 2s. upon every TunK. Edward III.  
of Wine, and 6d. in the Pound on all Goods for a  
Year<sup>o</sup>.

In his forty-seventh Year the Lords and Commons  
granted a Fifteenth, as it had been in antient Manner  
levied, for two Years; they also gave Tonnage and  
Poundage for two Years, as it was given the last Year,  
of all Merchandizes exported and imported, except of  
Wooll, Wooll-fells, and Leather, and then granted the  
Subsidy of them for the next Year coming<sup>p</sup>.

[ 333 ]

In his fiftieth Year the Lords and Commons granted  
the Subsidy on Wooll, Leather, and Wooll-fells, for  
three Years, as it had been granted in his 47th Year<sup>q</sup>.

In his fifty-first Year the Lords and Commons grant-  
ed him 4d. of every Person of the Kingdom, Males and  
Females, above the Age of fourteen Years, except very  
Beggars; and then they desired to be excused that they  
could give no greater Subsidy, because of their present  
grievous Necessities<sup>r</sup>.

Notwithstanding these great and numerous Taxations  
on the Public, in this King's Time, by reason of his  
almost continual Wars, his Treasury was so much  
exhausted, that he was driven to such Necessity as to  
pawn his Crown thrice; first, in his 17th Year, beyond  
the Seas; again, in his 24th, to Sir John Westenhams, his  
Merchant; and in his 30th to the same Person, in whose  
Hands it then lay eight Years<sup>s</sup>.

In the 28th Year of Edward III. }		l.	s.	d.
Exports from England were	}	294,184	17	2
Imports	— — — — —	38,970	13	8
Balance <sup>t</sup>	— — — — —	255,214	13	8

*Towards forming some Idea of the Amount of these Sub-  
sidies, we shall exhibit the following Account of the  
Price of Provisions in this King's Reign.*

In the Year 1326, 1 Edward III. at Tunbridge in Kent, seventy Acres of Arable Land was worth 35s. per Annum. Twelve Hens, at 1s. 6d. One Cock and  
Price of Provi-  
sions in the Reign  
of Edward III.

Z 2

thirteen

<sup>o</sup> Rot. Parl. No. 14, 15.

<sup>p</sup> Ibid. 47 Edw. III. No. 5.

<sup>q</sup> Ibid. 50 Edw. III. No. 9.

<sup>r</sup> Ibid. 51 Edw. III. No. 19.

<sup>s</sup> Campbell's Lives of the Admirals, Vol. I. p. 220.

<sup>t</sup> Idem, Vol. I. p. 250 and 251 for the Particulars.

*K. Edward III.* thirteen Hens, at 1 s. 7 d. Eight Porkers and a Half, at 15 s. Eighty Acres of Arable, at 20 s. or 3 d. per Acre. Twenty Acres of Pasture, each at 1 d. Fourteen Acres of Meadow, each at 4 d. Eighteen Acres of Arable, each at 3 d. Twenty-seven Acres of Arable, each at 4 d. Two Acres of Meadow, each at 10 d. A Cock 1 d. Three Hens 4  $\frac{1}{2}$  d. From hence we may see that we can make no certain Computation from the Rate of Acres, because of the Difference of the Ground<sup>w</sup>.

In 1336 there was such Plenty of Corn and Scarcity of Money, says *Knyghton*, that Wheat was sold at *London*, by the Quarter, at 2 s. A fat Ox, at 6 s. 8 d. And, *Fabian* adds, for a fat Sheep 6 d. and at most 8 d. Six Pigeons 1 d. A fat Goose, at 2 d. A Pig 1 d. And all other Victuals after the same Rate, occasioned by the King's gathering up all the Money he could get, to carry on his Wars in *France* and *Scotland*.

[ 334 ] In 1338 Wheat sold, per Quarter, at 3 s. 4 d. Barley, at 10 d. Pease and Beans, the Quarter, at 1 s. Oats, the Quarter, at 10 d.

In 1339 several Undertakers promised to deliver at the Town of *Berwick*, and in *Leith* Road, 10,000 Quarters of Wheat and Malt, each Quarter at 9 s. Oats, Beans, and Pease, each Quarter at 5 s. This was a high Price<sup>x</sup>; for an old Historian tells us that this same Year a Quarter of Wheat was sold for 40 d. and sometimes less; Barley, 10 d. Beans and Pease, at 12 d. and Oats, at 10 d. But the Conveyance raised the Price<sup>y</sup>.

In 1343 two Oxen, Price of each 8 s.

In 1344 one Cow sold at 5 s.<sup>z</sup>

In 1348, in the Time of the Pestilence, Things were sold almost for nothing. A Horse worth 40 s. was sold for 6 s. 8 d. A good fat Ox at 4 s. A Cow at 1 s. An Heifer, or Steer, at 6 d. A fat Mutton, at 4 d. An Ewe, at 3 d. A Lamb, at 2 d. A Hog, at 5 d. A Stone of Wooll, at 9 d. The Historian says they were not only afraid of the Cattles' dying, but of their own; for otherwise Wooll need not have been so cheap<sup>a</sup>.

In

<sup>w</sup> *Lambard's Perambulation of Kent*, p. 541.

<sup>x</sup> *Abridgement of the Records*.

<sup>y</sup> *Henry Knyghton*, col. 2573.

<sup>z</sup> *Bp. Kennet's Paroch. Antiquit.*

<sup>a</sup> *Henry Knyghton*, col. 2599.

In 1349 Corn was so plentiful, and other Provisions, *R. Edward III.* that Wheat was sold, by the Quarter, at 2s. A fat Ox at London, for 6s. 8d.<sup>a</sup>

In 1359 Wheat very dear; a Quarter, says *Fabian*, was sold at 1l. 6s. 8d.

In 1361 Wheat so cheap, that a Quarter was sold at 2s. Two Hens for 1d.<sup>b</sup>

In 1363 a Widow paid four Hens, or in Money 4d. Twelve Hogs at 18s. each Hog at 1s. 6d.<sup>c</sup>. Yet Wheat was so dear, says *Walsingham*, that a Quarter was sold at 15s.<sup>d</sup>

In 1369, *Walsingham* says, there was such a Dearth, that Wheat was sold at 1l. 4s. According to *Stowe*, at 1l. Barley at 16s. 4d. Oats at 8s.

**RICHARD** the Second began his Reign *June 21*, *R. Richard II.* in the Year 1377, he being then eleven Years of Age, and, on *July 16*, was solemnly crowned at *Westminster*. This Prince was the Son of *Edward the Black Prince*, and was born at *Bordeaux* in *France*, 1366; his Mother was *Joan*, Daughter of the Earl of *Kent*, call'd, for her exquisite Beauty, *The fair Maid of Kent*. The young King's Uncles were, at that Time, *John of Gaunt*, Duke of *Lancaster*; *Edmond* of *Langley*, Earl of *Cambridge*, and afterwards Duke of *York*; and *Thomas of Woodstock*, afterwards Duke of *Gloucester*, all the late King's Sons then living. But of these the Duke of *Lancaster* was the Chief; who, as he had managed the Government during the Incapacity of the old King, hoped, by proper Measures, to continue the same Sway in the Minority of the present. [ 335 ]

On the 4th of *August*, the same Year, Writs were A Parliament issued out for the calling a Parliament to meet fifteen Days after *Michaelmas*. called upon his Accession to the Crown.

Z 3

The

<sup>a</sup> *Antiq. Britan.*

<sup>b</sup> *Dugdale's Monast.* Vol. II.

<sup>c</sup> *Bp. Kennet's Paroch. Antiquit.*

See also *Bp. Fleetwood's Chronicon Pretiosum*,

<sup>d</sup> See p. 295, 315, Note k.



*R.* Richard II. The following were the Peers summoned to this first Parliament<sup>d</sup>.

Anno Regni 11  
1377.

At Westminster,

**J**OHN King of Castile  
and Leon, Duke of  
Lancaster, &c.

Edmond Earl of Cambridge,  
Richard Earl of Arundele,  
Thomas of Woodstock, Earl  
of Buckingham and Con-  
stable of England.

Edward Mortimer, Earl  
of March,

Thomas Beauchamp, Earl  
of Warwick,

Hugh Earl of Stafford,

Gilbert Umfrevile, Earl of  
Angus,

William Ufford, Earl of  
Suffolk,

William Montacute, Earl  
of Salisbury,

Henry Percy, Earl of North-  
umberland,

John Mowbray, Earl of  
Nottingham,

Guischara Earl of Hunt-  
ingdon,

Lord James Audley, of He-  
leigh,

Lord William Latimer,

Lord William Bardolf, of  
Wormegab,

Lord Ralph Bassett, of  
Draiton,

Lord Guy de Brian,

Lord Roger de Beauchamp,

Lord John de Clinton,

Lord Gilbert Talbot,

Lord William de Bortreaux,

Lord John de la Ware,

Lord Henry Scrope,

Lord John Nevile, of Raby,

Lord John Ferrars, of Gro-  
by,

Lord Thomas Roos, of  
Hamlake,

Lord Richard de Stafford,

Lord John Grey, of Code-  
nore,

Lord Henry Grey, of Wilton

Lord Reginald Grey, of  
Ruthin,

Lord Nicholas Burnel,

Lord William le Zouch, de  
Harringworth,

Lord Roger Clifford,

Lord Almaric, de St Amand,

Lord John de Botefort,

Lord John Lovel,

Lord Roger Scales,

Lord Ralph Crombwell,

Lord Michael de la Pole,

Admiral of the Northern

Sea-Ports,

Lord Peter de Mauley,

Ralph Baron Greystock,

Lord Walter Fitz-Walter,

Lord Robert Ferrars, of

Wemme,

Lord Robert de Harrington,

Lord William Morley,

Lord William de Furnival,

Lord William de Aldburgh,

Lord John Cobham, de Kent,

Lord Hugh de Dacre,

Lord Robert Willoughby,

Lord John de Welles,

Lord John de Clifton,

Lord Roger le Strange, de

Knocking,

Lord Maurice, de Berkley,

Lord John de Arundele,

Lord

Lord Warrin, de Lisle,  
Lord Henry Fitzbugh,  
Lord Richard de Scrope,  
Lord Philip de Darcy,

Edmond Earl of Cambridge <sup>Es. Richard II.</sup>  
as Lord Warden of the  
Cinque Ports.

The Cause of the Summons was declared by the Archbishop of *Canterbury*\*, in a Speech conformable to the Sanctity of his Calling, beginning with this Text, *Rex tuus venit tibi*. Which Subject he divided into three Parts, saying, ‘That for three Causes every Friend ought to be welcome to another. First, If he came to rejoice or be merry with his Friend for any singular Benefit or good Hap that had befallen him; and therefore made Use of this odd Expression, for a Male Friend, *Et exultavit Infans in Utero ejus*. The next was, If the said Friend came to comfort another in Adversity, as is mentioned in the Book of *Job*. And the last, For trying his Friend in the Time of Adversity, according to the Scripture, *In Necessitate probabitur Amicus*.

To this Preface he applied, ‘That the King, their undoubted Liege Lord, was now come unto them, not for one, but for all the three Causes. For the first, To rejoice with them in the great Providence and Grace of God, by sending his Person amongst them; not by any collateral Means or Election, but by special Descent of Inheritance†, and for their Good-wills towards him, he was therefore come to give them Thanks. For the second, To visit and comfort him in their Necessities and Adversities, he was also come, not only for the Death of the Noble King *Edward* and the Prince his Son, but also for the great Losses which they had sustained on the Sea-Coasts, and elsewhere within the Realm, by their Enemies. Whereunto he now was come, not only to proffer himself in Aid, but to confirm all their Liberties; to maintain the Laws and Peace of the Kingdom, and to redress all that was to the contrary. Thirdly, To try or assay them, he was also come to advise and counsel with them for suppressing the Enemy; and to require an Aid of them, without which he could not perform the

[ 337 ]

\* *Simon Sudbury.*

† *Nempe par Election, ne par autre tielle collateralle voie, mais par droite Succession de Heritage, &c.*

*Richard II.* 'the same. For all which Reasons he desired them to consult together.

Then came on the usual Forms of Parliament, in appointing of Receivers for Petitions for *England, Ireland, Wales, and Scotland*; with those of *Gascoigny* and the *Isles*. And the next Day, being again assembled, Sir *Richard le Scrope*, Steward of the King's Household, rehearsed what the Archbishop had said before, and, by the King's Command, told the Commons, 'That he desired they would advise him which Way his and the Kingdom's Enemies might be resisted, and how the Expences of such Resistance was to be borne with the greatest Ease to the People, Profit and Honour to the Kingdom.'

[ 338 ]

The Commons hereupon prayed the King, 'That, for the great Importance of the Charge given them, in these Declarations, and for the Weakness of their Abilities to advise the best, he would be pleased to let certain Prelates and Lords be joined with them in Consultation on such weighty Affairs, for the more speedy and happy Dispatch of the Business wherewith they were charged,' and named the Duke of *Lancaster*, the Bishops of *London, Ely, Rochester, and Carlisle*; the Earls of *March, Arundele, Warwick, and Angus*; the Lord *Nevile*, Sir *Henry de Scrope*, Sir *Richard le Scrope*, and Sir *Richard de Stafford*; which was accordingly granted by the King in Parliament.

The Duke of Lancaster, the King's Uncle, complains of the Commons having aspersed his Character.

Upon this the Duke of *Lancaster* immediately arose from his Place, and, falling upon his Knees before the King, humbly prayed his Majesty to hear him a little in a weighty Cause which greatly concerned himself; and said, 'That though the Commons had chosen him for one of the Lords to commune with them on the Matters in the Charge, yet he desired his Majesty to excuse him, for that the Commons had spoken ill of him; urging, that he had committed manifest Treason, if their Report, which God forbid, was true. That he had been always careful to guard himself against any such Imputations, as it was notoriously known that none of his Ancestors, of one Side or other, was ever a Traitor, but always firm

'and

g Pur l'arquite de leur Charge, et le Feiblesce de leurs Poirs et sens,  
Rot. Parl. 1 Rich. II. No. 11.

and loyal, as it was a marvellous Thing he should  
deviate from the Line, since he had more to lose  
than any other Man in the Kingdom: That if any  
Man, of what Estate and Condition soever he was,  
should be so bold as to lay Treason, or other Disloy-  
alty to his Charge, or any other Thing done by him  
prejudicial to the Kingdom, he was ready to defend  
himself by his Body, or otherwise, as the King and  
Lords should award, as if he was the poorest Knight  
Bachelor of the Realm.

The Duke having ended his Speech, the Bishops and  
all the Lords stood up, and with one Voice desired and  
prayed him that he would leave off such Discourses,  
for they thought no Man living would say any such  
Things of him. The Commons also said, in their  
own Defence, 'That it was apparent and notorious  
' they thought him free from all Blame and Defamation,  
' and had given an evident Proof of it in chusing  
' him to be their principal Aider, Comforter, and Coun-  
' sellor in this Parliament; praying, with one Voice, to  
' have themselves cleared from such Reports.'

The Duke replied again, 'That the Words had  
' been long, tho' falsely, spread about the Kingdom;  
' and that he wondered much how any Man could or  
' would begin, or continue such Slanders, for the Dis-  
' grace and Danger that might from thence ensue.  
' Because the first Inventor of such Speeches, by which  
' Debate might arise between the King and the Peers  
' of the Land, was a manifest Traitor; since such  
' Debates might turn to the Destruction of the whole  
' Kingdom. He therefore prayed that a good Act, or  
' Ordinance, might be provided in this Parliament, and  
' a just and speedy Punishment assigned to all the In-  
' ventors of such evil Reports, for the preventing the  
' Danger of them for the Time to come: And as to  
' himself, he declared that for what was past all should  
' be forgiven.'

After these Altercations were thus ended, the Com-  
mons went upon Business; and Sir *Peter de la Mare*<sup>h</sup>,  
Knight

<sup>h</sup> Called, in the *Records*, *Monsieur Peres de la Mare*. This Sir *Pierce*,  
or *Peter de la Mare*, had been released some Time before out of *Nottingham*  
Castle, after a long Confinement, for speaking his Mind too freely in the  
last Reign in Parliament, against *Alice Pierce*, *Edward the Third's* Mi-  
stress. *Stowe's Chron.* p. 278. See before, p. 322, 343.

Debate there-  
upon.

[ 339 ]



K. Richard II. Knight of the Shire for *Herefordshire*, being chosen Speaker of the Commons, made a Protestation and said,  
 ' That what he had to declare was from their whole  
 ' Body; and therefore required that if he should happen  
 ' to speak any Thing without their Consents, that it  
 ' ought to be amended before his Departure from the  
 ' said Place. He commended the Feats of Chivalry heretofore practised, for which this Nation was so renowned; and said that, by the Decay of the same, the Honour of the Realm did and would daily decrease.  
 ' That whereas Merchants were Masters of their own Ships, and had the free Disposition of them, yet, formerly, one Town had more good Ships than the whole Nation at this Time.' He therefore prayed that, ' Because the King was then very young and of tender Age, for the Amendment of several Errors in the Government, and the Preservation of the Realm, which was at that Time in greater Danger than ever, the King and Lords of Parliament would consider more especially of three Things ;

The Commons elect Sir PETER DE LA MARE as their Speaker, who, in their Name, proposes several Regulations in the Government.

[ 340 ]

' *First*, That they would in that Parliament name and appoint seven sufficient Persons<sup>1</sup>, of the different Estates, to be continual Counsellors to the King for the Affairs of the Realm, along with the King's other State Officers; and that they might be such Persons as best knew how to avert impending Dangers, and would diligently attend to their Charge, for the good Government and Preservation of the Realm; and that the Commons might know the Names of those Counsellors, who also might be the Agents and Directors of what Money was to be given for the Wars.

' *Secondly*, That they would please to name and appoint those that were to be about the King's Person, who were to be Men of virtuous and honest Conversation, that they might educate him accordingly; and that the Charge of the King's Household might be borne by the Revenues of the Crown, so that what was granted to the Wars might be expended that Way only.

' *Thirdly*, That the common Law and other Statutes and Ordinances of the Land might be observed, ratified, and confirmed, and the People governed by them;

<sup>1</sup> Sept. suffisante Persons. Record.

‘ them ; and that they might not be defeated by the *K. Richard II.*  
 ‘ Singularity of any about the King ; saving, however,  
 ‘ in all Things, the Regalities and Dignity of the King,  
 ‘ to which the Commons would have no Prejudice done  
 ‘ any Way by their Demands.

The Answer which was given to these Petitions was,  
 ‘ That the Prelates and Lords would advise together,  
 commanding the Commons, in the mean while, to re-  
 turn to their Places.

The first Request of the Commons being recited be-  
 fore the King and Lords, was by them granted ; yet  
 so as the Chancellor, Treasurer, and Keeper of the  
 Privy-Seal, Justices of one Bench and the other, and  
 all other Officers of the Realm, might execute their  
 Offices, without the Presence of those Counsellors, who,  
 by Advice of the Lords, were then appointed to be nine  
 in Number, *viz.* the Bishops of *London, Carlisle, and* [ 341 ]  
*Salisbury*, the Earls of *March and Stafford*, Sir *Richard* A Council ap-  
*de Stafford*, and Sir *Henry le Scrope*, Bannerets ; Sir pointed during  
*John Devereux*, and Sir *Hugh Segrave*, Knights Batche- the King's Mi-  
 lers ; who, being thus chosen in Council for this Year, nority.  
 were sworn before the King himself to do what they  
 were chosen for, in the Presence of divers Lords in Par-  
 liament.

As to the second Request, for the naming and assign-  
 ing such as should be about the King's Person, the  
 Lords of Parliament answer'd, ‘ That it seem'd to them,  
 for many Causes, too heavy and hard a Request<sup>k</sup> to place  
 any Person about the King that should not be accept-  
 able to him ; or to remove any Officer, or Servant, if  
 it were not by his exprefs Will, and for some notable  
 Fault to be proved against such Officers and Servants ;  
 wherefore the Lords would not willingly meddle with  
 these Matters.

To the other Part of this Request the Lords answer-  
 ed, ‘ That they would take good Deliberation, and  
 speak with the Great Officers of the King's Household  
 about it ; and if, by their Advice, it could be done, saving  
 the State and Honour of the King, what they desired  
 should be performed.’

As for the third Petition, it seem'd reasonable to all  
 the Lords that it should be granted.

Then

<sup>k</sup> Trop Chargeant & dure Requeste. Record.

K. Richard II.

Then the Lords and Commons, (perceiving the imminent Danger the Nation was in, by reason of the great Wars both by Sea and Land) for the Defence of the Kingdom, and Resistance of its great Enemies, granted the King two Fifteenths without Cities and Boroughs, and two Tenths within Cities and Boroughs, for two Years; praying the King, that as well the Money of the said Tenths and Fifteenths, as the Tenths granted by the Clergy, and Money of the Subsidy of Wooll, might be in the Keeping of especial Treasurers by his own Appointment, which were *William Walworth* and *John Philpot*, Merchants of *London*, who were to give an Account of their Receipts and Disbursements, in Manner as the King and Council should order.

A Subsidy granted.

[ 342 ]

The late King's  
Mistress sentenced  
to be banished.

In this Parliament *Alice Pierce*, or, as in the Record, *Alice Perriers*, the late King's Mistress, was brought before the Lords, and accused of procuring a Pardon for *Richard Lyon*, (who, in the 50th Year of *Edward III.* had been convicted of embezzling the Public Money) and other high Crimes, of which being found guilty, she was sentenced to be banished, and her Estates confiscated: But with this Proviso, 'That this Law, particularly made for the Prevention of such odious Things, should not be made use of, nor drawn into Example, against any other Person, or in any other Case whatsoever.'

A saving Clause in it.

There were also several other Petitions in this Parliament; the most remarkable of which were these:

Petitions of the  
Commons.

The Commons prayed, 'That because the late King *Edward* was guided by evil Counsellors, as had been authentickly proved, that they might be removed from all the King's Councils; and that other fit Persons might be put in their Places; and further, that no Officers of the King's Court, great or small, do keep up Quarrels or Suits in the Country by Maintenance, nor meddle with any Thing but what belongs to their Office.'

As to the first Request, the King granted it; and as to the second, touching Maintenance, he further enforced it; by strictly forbidding any Counsellor, Officer, or other Servant, or others belonging to him, in the Kingdom, to uphold any Quarrel or Suit by

Main-

<sup>a</sup> *A nulle autre Personne, ne en nul autre Cas quiconques.* Rot. Parl.

Maintenance, under Pain of losing their Offices and Services, and to be imprisoned, and ransomed at the King's Pleasure.

Another Petition was, ' That, during the King's Minority, the Chancellor, High-Treasurer, Chief Justices of one Bench and the other, the Chief Baron of the Exchequer, the Steward and Treasurer of the Household, the Chief Chamberlain and Clerk of the Privy-Seal, the Wardens of the Forests on this Side *Trent* and beyond, might be made by Parliament; and if it should happen that any of these Ministers or Officers should be laid aside between one Parliament and another, that then another be put in his Place, by the King's Council, until the next Parliament should meet.'

This Petition was likewise granted in Part, that while the King was under Age, the Counsellors, Chancellor, Steward of the Household, and Chamberlain, should be all chosen by the Lords in Parliament, saving always the Estate and Heritage of the Earl of *Oxford*, to the Office of Chamberlain; and as to the other Officers above-named, the King should make them by the Assent of his Council.

[ 343 ]

Then the Citizens of *London* desired, ' That upon the King's special Grace, and for the Enlargement of the Franchises of their City, if any Article in the Charter granted by him and his Progenitors, to the said Citizens, should prove difficult or doubtful, and might be taken in divers Senses, that then the Sense they claimed to have it in should be allowed.'

To this the Answer was, ' That the Interpretation of the King's Charters belong'd to him; and if any Doubt arose thereupon, the King, by Advice of his Council, would make such Interpretation as should be according to Reason and good Faith.'

*Dr. Brady* has added another Demand of the Commons, and tho' *Mr Tyrrel* has strictly copied all the rest, yet he has omitted this, for what Reason we know not; for it is evident thereby what Thoughts the People of *England* had of the great Use of frequent Parliaments in those Days. The Doctor's Translation of the Petition is as follows:

The Commons pray further, ' That a Parliament may be holden in a convenient Place once a Year, to  
redress



K. Richard II.<sup>c</sup> redress Delays in Suits, and to end such Causes where-  
 ' in the Judges were of different Opinions.

To which they had this Answer, ' The Statutes made  
 ' for that Purpose shall be observed and kept; and as to  
 ' the Place where the Parliament shall be holden, the  
 ' King will have the Choice.'

[ 344 ]

This Parliament continued from *October* the 13th to the 28th of *November*, in all 47 Days: When the King gave Thanks to the Lords and Commons for their Expedition in granting the Subsidy; and desiring the Knights, Citizens, and Burgeses to sue out Writs for their Expences, he dissolved the Parliament.<sup>b</sup>

Anno Regni I.  
 1378.

At *Westminster*.

On the 16th of *February*, in the next Year, but which, according to the Calculation of our Lawyers, is still in the first of this King<sup>c</sup>, Writs were issued out to call a new Parliament to meet at *Westminster*, 15 Days after *Easter*, or *April* 25. At the Day appointed, the Duke of *Lancaster*, with several Bishops and Lords, came to the Palace at *Westminster*, and attended the King's coming for a long Time; but some Sheriffs having not yet made their Returns, the Parliament was adjourned to next Day, by open Proclamation made in the Hall for that Purpose. And, for the same Reason, on that Day it was put off to the following.

On which Day, being *April* 27, Sir *Richard le Scrope*, Lord-Chancellor, opened the Session with a Speech to this Purport. ' First, That the King desired the Li-  
 ' berty

<sup>b</sup> In a short History of the Life and Reign of King *Richard II.* in the Title said to be wrote by a Person of Quality, 8vo, London, 1681, p. 5, the Author observes that the Grants above, of Money, were given, ' On Condition that the King, for the future, should not burden them with ' more Requests of that Kind to draw away his Subjects' Money, but ' would live on his Demesnes and continue his War, for that his own proper Royal Revenues were sufficient both to maintain his Court and carry on his Wars, if the same were but managed by fit and trusty Ministers.'

<sup>c</sup> N. B. This History, tho' printed so lately as 1681, is not taken Notice of by Archbishop *Nicholson* in his *Eng. Hist. Library*.

<sup>c</sup> Mr *Collier* supposes that the Year was now changed from *Christmas* to *Lady-Day*; because, says he, *Richard II.* began to reign in *June* 1377, and if the Year had begun either at *Christmas* or *January* 1, this Parliament must have been held in the Year 1378; whereas the *Statute Book* tells us expressly it was held Anno primo Rich. II. and in the Year 1377. But, if it had been put there 1378, it is still in the first of this King till *June* 21, the Day he began his Reign. *Collier's Ecclesiastical Hist. Book VI.* p. 568.

' berty of the Church might be maintained. Next, that  
 ' at the End of the last Parliament, his Majesty, accord-  
 ' ing to their Request, had elected several Lords, and  
 ' others, to be of his continual Council; but, by rea-  
 ' son of the sudden breaking up of that Parliament, he  
 ' was not advised what Number they would have cho-  
 ' sen of the latter; yet, what were being sworn, they,  
 ' with the Lords, consulted about the Affairs of the  
 ' Realm, and the great Danger it was in; and con- [ 345 ]  
 ' sidering the great Charges necessary to support it, they  
 ' would not fully determine without the Advice of Par-  
 ' liament. However, they agreed to prepare a Land-  
 ' Army and a Navy of Ships, and lent the King great  
 ' Sums of Money to that Purpose. Which Navy and  
 ' Army his Majesty had prepared, and by that Means  
 ' was become indebted to them, and to several good  
 ' Cities and Towns for the same Loan: Therefore he  
 ' desired the Lords and Commons, separately, to weigh  
 ' well the Necessities of the Nation, and to provide ac-  
 ' cordingly; and not to wonder at the sudden Calling of  
 ' this Parliament, considering that it was done for the  
 ' King's Honour and the Safety of the Realm.' The  
 ' Chancellor concluded with saying, ' That for the Ex-  
 ' pences borne and to be borne, the Treasurers of the  
 ' same were ready, and should be ready, to exhibit  
 ' their Accounts.

The Lords and Commons taking into Consideration  
 the dangerous State of the Nation, at this Crisis, from  
 the Malice of its Enemies, both of *France* and elsewhere,  
 and the great Necessities of the Kingdom, to raise Mo-  
 nies to be able to withstand them; first, agreed that  
 the Mark laid upon every Sack of Wooll, and the Six-  
 Pence in the Pound for all Merchandize, which was  
 given in the last Parliament, should be remitted; and,  
 in Lieu thereof, they granted the old Subsidy on Wooll,  
 as it was before that Parliament, for one Year from  
*Michaelmas* next. They likewise granted a certain Poll-  
 Tax, to be paid by Persons of different Sexes, Ranks, A Poll-Tax granted.  
 Estates, and Degrees in the Kingdom; which being a  
 Tax quite new, and the Act itself expressing, very par-  
 ticularly, what Sum each Man or Woman should pay,  
 as well as the several Qualities and Conditions of the  
 whole *English* Nation, in those Days, we shall give at  
 Length,

K. Richard II. Length, as translated from the original *French*; and we are persuaded it cannot be unacceptable to a curious Reader.<sup>d</sup>

[ 346 ] After the Recital, in the Act, of what is mentioned before, the Particulars of this Capitation-Tax begin with

The Dukes of *Lancaster* and *Bretaigne*, each ten Marks.<sup>e</sup>

Also every Earl of *England* 4 *l*.

The Countesses, who were Widows, the same as the Earls, 4 *l*.

Every Baron, Banneret, or Knight, who had as good an Estate as the Barons, 40 *s*.

Every Baronefs, who is a Widow, as a Baron; and a Bannerefs as a Banneret, 40 *s*.

Every Batchelor and every Esquire, who by Estate ought to be made a Knight, 20 *s*.

Every Widow that was the Wife of a Batchelor, or Esquire, 20 *s*.

Every Esquire of less Estate, 6 *s*. 8 *d*.

Every Woman, Widow of such an Esquire, or sufficient Merchant, 6 *s*. 8 *d*.

Every Esquire without Possessions, Lands, Rents, or Goods, that is in Service, or bears Arms, 3 *s*. 4 *d*.

The Chief Prior of the Hospital of St. *John*, as a Baron, 40 *s*.

Every Commander of the same Order of *England*, as a Batchelor, 20 *s*.

Every other Brother, Knight of the same Order, 13 *s*. 4 *d*.

All other Brothers of the same Order, as an Esquire without Possessions, 3 *s*. 4 *d*.

Every Justice, as well of the one Bench as of the other, and the Chief Baron of the Exchequer, each 100 *s*.

Every Serjeant and great Apprentice of the Law, 40 *s*.

Other

<sup>d</sup> A Poll-Tax of 4 *d*. a Head on all Persons, Men or Women, above the Age of fourteen, Beggars excepted, had been granted the last Year of the late King; but we do not find it was ever levied. See *Abridg.* p. 145, No. 29.

<sup>e</sup> Mr. *Tyrrel* has been guilty of a great Mistake here in copying Dr. *Brady*, for he tells us that the two Dukes paid ten Pounds a Piece as Dukes, and ten Marks each as Barons, which was not so; the *French* Account sets them at ten Marks each, and the Doctor only assigns the same Sum to them in his *English* Translation. *Tyrrel's Hist.* Vol. III. p. 847.

The Duke of *Bretaigne*, in *France*, was *John Mountfort*.

Other Apprentices which follow the Law, 20 s. K. Richard II.

All other Apprentices of less Estate, and Attorneys, each 6 s. 8 d.

The Mayor of *London* shall pay as an Earl, 4 l.

[ 347 ]

The Aldermen of *London*, each as a Baron, 40 s.

All other Mayors of great Towns in *England*, each as a Baron, 40 s.

Other Mayors of smaller Towns, according to the Value of their Estate, 20 s. 10 s. or 6 s. 8 d.

And all Jurats of good Towns, and great Merchants of the Realm, shall pay as Batchelors, each 20 s.

Other sufficient Merchants, 8 s. 4 d.

All lesser Merchants, and Artificers, Husbandmen, or who live upon Tillage according to the Value of their Estate, 4 s. 8 d. 3 s. 4 d. 2 s. 1 s. or 6 d.

Every Serjeant and Freeman of the Country, according to their Estate, 6 s. 8 d. or 40 d.

The Farmers of Manors, Parsonages, and Granges, Merchants of Beasts, and other Buyers and Sellers, according to their Estate, 6 s. 8 d. 40 d. 2 s. or 12 d.

All Advocates, Notaries, and Proctors, who are married, shall pay as Serjeants of the Law, and Apprentices of the Law, and Attorneys, each according to their Estate, 40 s. 20 s. or 6 s. 8 d.

Apparitors that are married, according to their Estate, 3 s. 4 d. 2 s. or 12 d.

All Inn-keepers that have not the Estate of a Merchant, shall pay according to his Estate, 40 d. 2 s. or 12 d.

Every married Man, for himself and his Wife, that have not the Estates above-named, and above the Age of sixteen, except very Beggars, 4 d.

And every Man and Woman unmarried, of such an Estate, and above the Age aforesaid, 4 d.

Also every strange Merchant, of what Condition soever, shall pay according to his Ability, as other Denizens.

*Walsingham* and *Knyghton*<sup>f</sup> also tell us, That the Clergy were not exempt from this Tax, but, according to their own Custom, taxed themselves very high, viz. every Archbishop, Bishop, and Mitred Abbot, as much as

VOL. I. A a a

<sup>f</sup> *Sub hoc Anno.* The Clergy, *Walsingham* writes, were taxed, according to their Abilities, down to *Simplex Capellanus*, a Chantry-Priest,



K. Richard II.

[ 348 ]

a Baron; every Abbot was to pay forty Pence for each Monk in his Monastery; and the Beneficed Clergy fix Shillings and Eight-pence. All which together must needs amount to a vast Sum, tho' how it was disposed of is hard to tell; for we do not find that the warlike Preparations, at that Time, either by Sea or Land, were any ways adequate to so great a Tax<sup>s</sup>.

Anno Regni 2.  
1378.

At Gloucester.

Another Parliament was summoned to meet the same Year, but now the second of this King, on the 20th of October, at Gloucester<sup>h</sup>. Tyrrel supposes that this Place was pitched upon, because the Duke of Lancaster had been greatly displeased with the Londoners; but tho' this Parliament met on the Day appointed, yet no Business was begun 'till the Day following. When, being all assembled, the King, with his three Uncles, of Lancaster, Cambridge, and Buckingham, the two Archbishops, Prelates, Lords, and Commons, in the Great Hall of the Abbey of Gloucester, which, as the Record says, was fitted up, apparelled, and adorned, for that Purpose, the Bishop of St. Davids<sup>i</sup>, then Lord Chancellor<sup>i</sup>, declared the Cause of the Summons to be,

'First, For the Liberties of the Church, the Maintenance of the Laws and Observations of the Peace.  
'Next, Because it had been enacted, that a Parliament should be holden *once a Year*<sup>k</sup>. Thirdly, Because that his Majesty desired to see and consult with so honourable an Assembly, as was there gathered in God's Name, and he commended Unity and Concord amongst them according to the Resemblance of the Church. Another great Cause was, that the King, being left in the Midst of great Wars, could neither

'endure

<sup>s</sup> The Noble Historian, before quoted, says that the Privileges of the Sanctuary at Westminster were regulated in this Parliament; for whereas, before, a great Number of Persons, when they got in Debt, would shelter themselves and waste, in Revelling and Debaucheries, their Revenues, which could not be touched for their just Debts, to the great Prejudice of their Creditors; it was ordained, that if, upon Proclamation made, they should not surrender themselves, then their Goods should be sold and their Lands extended, wherever found, 'till their Debts were satisfied. *The Life and Reign of Richard II. by a Person of Quality.* p. 2. See also Sam. Daniel in Kennet's Hist. of England; p. 242.

<sup>h</sup> It may be disputed whether this Parliament was a new one, or only a Prorogation of the last; because, on the Rolls, this is called *Par secunda*.

<sup>i</sup> Dr. Adam Haughton. Le Neve's *Fasti Ecc. Ang.*

<sup>k</sup> *Serroit tenure Chacun An.* Record.

endure nor maintain the same without their Aid and Assistance. That since the great Mischief and Damage done by the Scots, about *Roxborough*, tho' the Truce still subsisted, they had allied themselves with France against England, in order to annoy us: All which required their utmost Consideration to prevent. He reminded them of two Evils, First, That the Law of the Land and the Law of Arms do not concur together; and, with certain Similitudes, required them, of those two Laws, to make a Relative, so as each may stand with the other. The next was to provide a Remedy against Back-biters<sup>1</sup>, Slanderers, and Sowers of Discord between Nobles, Gentlemen, and Neighbours; which Kind of Men he resembled to Dogs that devour raw Flesh, since they eat and consume living Men. For all which Enormities he wished them to seek Redress; and to be there the next Day by Eight o'Clock, to hear further Declarations; and directed the Commons to consult in the Chapter-House of the Abbey aforesaid<sup>m</sup>.

[ 349 ]

The next Day Sir *Richard le Scrope*, then Steward of the Household, enlarged upon the Causes of calling this Parliament, and, excusing his own Inability, told the Prelates, Lords, and Commons, as the Chancellor had said, 'That the Nation was encompassed with Enemies, which daily increased. That the Ports of *Cherburgh* and *Brest*, which of a long Time had been in the Hands of the *English*, besides, *Calais*, *Bordeaux*, and *Bayonne*, with the adjacent Territories, were very chargeable to maintain, since *Calais*, with its Marches or Limits about it, stood the King to more than 24,000 *l.* every Year, *Brest* 12,000 Marks, and the other three Places according to the same Rate.'

We now come to the third Instance on Record, where a Speaker of the House of Commons is expressly named as such, and recognized by the King in somewhat the same Form as is done at this Day: For immediately after the Chancellor and Sir *Richard le Scrope* had ended their Harangues, Sir *James Pickering*, having been elected Speaker of the House of Commons, came

[ 350 ]

Sir JAMES  
PICKERING  
chosen Speaker

A a 2 with

<sup>1</sup> This Word is not *French*, being called *Backbiters* in the Record,

<sup>m</sup> *Le Maison de Chapetre de le Grant Cloystre de ceste Abbay.*

**K. Richard II.** with the whole Body of them before the King, Prelates, and Lords, in Parliament, and there made Protestation, as well for the whole Commons of England, as for himself, to this Effect,

**His Protestation,** First, *If he should utter any Thing to the Prejudice, Damage, Slander, or Disgrace of the King or his Crown, or in lessening the Honour or Estates of the great Lords, it might not be taken Notice of by the King; and that the Lords would pass it by, as if nothing had been said<sup>n</sup>; for the Commons highly desired to maintain the Honour and Estate of the King, and the Rights of the Crown, as also to preserve the Reverence due to the Lords in all Points. Then, as for his own Person, he made Protestation, that if, by Indiscretion, he spoke any Thing by common Assent of his Fellow Members, it might, either then or afterwards, be amended by them.*

He then rehearsed, briefly, the Articles given them in Charge: ‘ And first, as to the Liberties and Franchises granted to Holy Church, and for the King’s Promise of entirely preserving the good Laws and Customs of his Kingdom, and punishing such as should act against them; the Commons humbly thanked him with their whole Hearts, kneeling upon the Ground, and praying God they might be put in due Execution. ‘ That, as to the Aid the King demanded of his Commons for the Defence and Safety of his Kingdom, and for the Safeguard of his Lordships, Lands, Towns, and Forts beyond Sea, and toward his Wars, the Commons said, That in the last Parliament, in his first Year, the same Things were shewn unto them in Behalf of the King, at which Time they answer’d, it was apparent the King had not so great Need for an Aid, seeing he had in his Hands the Priorities Alien, the Subsidies of Wooll, the Revenues of the Crown, the Lands of the Prince his Father, and many other great Lordships, by the Non-age of the Heirs of them; and that ‘ there-

[ 351 ]

And Remonstrance upon the State of the Nation.

<sup>n</sup> Et primerment, par la dite Commune, que si per cas il y dist Choses que purreit soner en Prejudice, Damage, Esclander, ou Villaine de nostre Seigneur le Roy, ou de sa Corone, ou en Anientissement del Honor et Estare des Grants, Seigneurs du Roialm. que ce ne feust accepter par le Roy, et les Seigneurs einsi tenuz pur nul, come Rein nen este diu. Rot. Parl. 2 Ricb. II. No. 16.

This is the first Protestation of the Speaker of the House of Commons, that is on Record.

‘ therefore they still conceiv’d there must be great Plenty<sup>K. Richard II.</sup> of Money in the Treasury.’

To this the King’s Council in Parliament then answered, ‘ That the late Charge of the Coronation had been very great, and that the Money upon those Funds they mentioned came in very slowly, nor could they be collected soon enough for an Expedition that Year; and it was then further propos’d, That if the Commons would furnish the King with a great Sum of Money to make such an Expedition as might be for the Destruction of his Enemies, they (the Council) hoped he might have sufficient hereafter, from Time to Time, to maintain the War, and defend the Kingdom without them.’

To this the Commons replied, ‘ That, in Hopes of that Promise to be discharged of all Tallages for a long Time, they had granted a greater Sum than had ever been given to any King to be levied in so short a Time; and that, all Things consider’d, it seem’d to the Commons that there must needs be a great Sum in the Treasury, besides what had been expended in the last Voyage; so that the King had no Need to charge the Commons, who were in a lower Condition than ever, by reason of that Payment, and also by the Murrain among their Cattle, and their Enemy’s Burnings and Depredations upon the Sea-Coasts; that their Corn and Cattle were at so low a Rate, that no Money could be rais’d at present; whereupon they pray’d the King to excuse them, as not being able to bear any further Charge of mere Poverty.

To all which Sir *Richard le Scrope* replied, by making Protestation, ‘ That he knew of no such Promise made by the King in the last Parliament; and saving the Honour and Reverence due to the King and Lords, what the Commons said was not true<sup>P</sup>; and as to the Subsidy last granted, that a great Part of it was still in the Treasury; to wit, of the two Fifteenths and two Tenths: But as to the Wooll that had been given in that Parliament, he vouch’d the Testimony of *William Walworth* and *John Philpot*, who, by their Consent, were appointed Receivers of the same, that

A a 3 ‘ every

o *Bien grante Plente de Monoye en le Tresorie.* Record.

p *Ne contient le Verité,* Ibid,



*K. Richard II.* every Penny thereof was expended upon the War, and  
 ‘ that none of it came to the High-Treasurer of *England*,  
 ‘ or any other, to the Use of the King: That the Re-  
 ‘ venues of the Crown, considering the Annuities and  
 ‘ other Charges upon them, granted by his Father and  
 ‘ Grandfather, were so small, that, without the Customs  
 ‘ of Wooll, and Lands of the Priors Aliens, the Ho-  
 ‘ nour and Estate of the King could not be maintained;  
 ‘ and therefore they were to know that, according to  
 ‘ Reason, they ought to relinquish their Complaint.

Whereupon the Commons, after a short Delibera-  
 tion, made it their Request to the King, ‘ That he  
 ‘ would please to shew them how, and in what Manner  
 ‘ the great Sums given for the War had been expended;  
 ‘ and also that he would please to let them know the  
 ‘ Names of such as should be the Great Officers of the  
 ‘ Kingdom, and who were to be his Counsellors and  
 ‘ Governors of his Person (being yet of tender Age)  
 ‘ for the next Year, as it had been before ordained in  
 ‘ Parliament.

To which it was answered on Behalf of the King, by  
 the said *Sir Richard*, ‘ That tho’ there never was any  
 ‘ Account yet given of Subsidies, or any other Grants  
 ‘ made in Parliament, or out of Parliament, to the  
 ‘ Commons, or any other, but to the King and his Of-  
 ‘ ficers; yet that the King willed and commanded of  
 ‘ his own Motion, to please the Commons, (not that it  
 ‘ was of Right for him so to do, or that he was obliged  
 ‘ to it, only by reason of the Request now made) that  
 ‘ *William Walworth*, then present, with some of his  
 ‘ Council, assigned thereunto by him, should, in Wri-  
 ‘ ting, clearly shew them the Receipts and Expences,  
 ‘ so as it should not be drawn into an Example for the  
 ‘ future.

[ 353 ]

‘ As to the Officers, the King had caused them to be  
 ‘ chosen by the Advice of the Lords; and as to his  
 ‘ Counsellors, they should be such as pleased him, whose  
 ‘ Names he would shortly give them in Writing.

‘ That the King not only commanded them, but all  
 ‘ the Lords there present desired, that having due Con-  
 ‘ sideration of the great and apparent Dangers on all  
 ‘ Sides, they would provide for the Defence of the  
 ‘ Kingdom; which not only concerned the King, but  
 all

‘ all and every one of them, and therefore to consider *K. Richard II.*  
 ‘ how the War might be maintained; and that they  
 ‘ would give as speedy an Answer as they could, that  
 ‘ this Parliament might have an End, and a good Effect,  
 ‘ for the Ease of the King, the Lords, and themselves,  
 ‘ as also for the Profit of the Kingdom, and Discharge  
 ‘ of the poor Commons, their Constituents, who, every  
 ‘ Day, paid their Expences during the Parliament. This  
 was one of the principal Charges given the first Day :  
 Another was, ‘ That if any Fault was found in any  
 ‘ Part of the Kingdom, or Government, in the Laws,  
 ‘ or any other Manner, that they would bring in their  
 ‘ Petitions concerning it, and they should have due Re-  
 ‘ medy.

Then the Commons desired ‘ To have a Time li- *Petitions of the*  
 ‘ mited to bring in their common Bills, or Petitions; *Commons, and*  
 ‘ and that it might be prolonged to the Feast of *All-*  
 ‘ *Souls* next coming. *the Answers,*

Also the Commons prayed the King ‘ To have a  
 ‘ Copy of the Enrolment of the Subsidy of Fifteenths  
 ‘ and Tenths, as they had been entered upon the Roll  
 ‘ of Parliament, for them to advise upon; and this was  
 ‘ granted at the King’s Pleasure, and not upon their  
 ‘ Request.

They prayed likewise, ‘ That five or six Prelates  
 ‘ and Lords might come to the Commons, to treat with  
 ‘ them about their Charge; but the Lords answered,  
 ‘ They neither ought, nor would do it in that Manner,  
 ‘ which had never been seen but in the three last Par-  
 ‘ liaments; for the Custom was for the Lords to chuse  
 ‘ a small Number of six or ten, and the Commons as  
 ‘ many of themselves, to treat together without Noise;  
 ‘ and then report what they had done to their Com-  
 ‘ panions, of one Part, and the other; and according  
 ‘ to this Method the Lords would act, and no otherwise.  
 To this the Commons assented to proceed as had an-  
 ‘ tiently been used.

[ 354 ]

After the Commons had seen and examined the En-  
 rolment, Receipts, and Expences, they were well fa-  
 tisfied with them, as being honourable for the King and  
 Kingdom; and only said, ‘ That 46,000 *l.* which was  
 ‘ expended in keeping several Countries, Places, and  
 ‘ Fortresses, as the Marches of *Calais, Brest, and Cher-*  
*burgh,*

K. Richard II. 'burgh, Gascoigny, and Ireland, was not to be charged  
' upon them; nor, as it seemed to them, were they bound  
' to bear any foreign Charge.

To which it was answered by the King's Council,  
' That Gascoigny and the Forts beyond Sea were *Barbi-*  
' *cans*<sup>9</sup>, and as it were Out-works and Defences to  
' England; and if they were well guarded, and the Sea  
' well kept, the Kingdom would be quiet, otherwise it  
' could not be so.

The Commons then proposed ' That this Charge be  
' defrayed by the Goods and Estate of King Edward III.  
' which the King possessed, and was much enrich-  
' ed by it.' Whereto it was answered, ' That those  
' Goods were justly appraised, and delivered to those his  
' Grandfather was indebted, except some Necessaries  
' reserved for his own House, for which he had paid in  
' Part, and was to pay in whole for the Satisfaction of  
' his Creditors: ' And therefore the King commanded,  
and the Prelates and Lords prayed them as they had  
done before. ' To advise about their Charge, and give  
' good and effectual Answers thereunto, with as much  
' Hast as might be, for the common Profit of the King-  
' dom, and Ease of the Lords and themselves.'

A Subsidy grant-  
ed.

We have not before met with so great and so many  
Disputes and Altercations, between the King's Mini-  
stry and the Commons, about granting a Subsidy;  
however, they all agreed upon it, at last; and, notwith-  
ing all their Excuses, the Prelates, Lords, and Com-  
mons, perceiving the great Perils wherewith the Land  
was encompassed, and the great and extraordinary Ex-  
pences the King was to be at for the Safety and Defence  
thereof, agreed and granted the King the former Subsidy  
of Wooll, Leather, and Wooll-fells, for three Years, viz.  
of Wooll 43s. 4d. the Sack; and of Wooll-fells as much;  
that is, for every two hundred and forty of each, ac-  
counting six Score to the Hundred; as also for Leather  
4l. 6s. 8d. on every Last which should be exported  
by Denizens and Strangers, besides the antient Custom;  
and, as an additional Grant, they gave 13s. 4d. more for  
every Sack of Wooll; as much for every two hundred  
and

[ 355 ]

<sup>9</sup> *Ita in Orig.* Barbican is a Watch-Tower, Bulwark, or Breast-Work.  
Cowell's Law Dict.

and forty Wooll-fells ; and for every Last of Leather, *K. Richard II.*  
*1 l. 6 s. 8 d.* Also they gave 6 *d.* in the Pound for every  
 Pound Value of Merchandize, as well of Denizens as  
 Strangers, both imported and exported, for one Year.

Lastly, the Commons prayed the King, ‘ That good  
 ‘ and sufficient Persons might be appointed to be Trea-  
 ‘ surers of the Monies raised by these Grants, in the Man-  
 ‘ ner as it heretofore has been done by Parliament ; and  
 ‘ also that he would, for the Love of God, excuse his  
 ‘ poor Commons that they could not at present grant  
 ‘ him a greater Aid ; for that they had been much  
 ‘ weakened and impoverished, as well by Pestilence as  
 ‘ by the Wars ; their Cattle had been destroyed by the  
 ‘ Murrain ; the Corn and other Fruits of the Earth had  
 ‘ in Part failed, and what was got would not give any  
 ‘ Price ; yet, such was the Good-will they bore to their  
 ‘ Sovereign Lord, that they should be ready to serve  
 ‘ him, when required, as well in Person as otherways.’

Many other Transactions passed in this Parliament,  
 which are too long to insert ; we shall only take Notice  
 of two, which are, first, Sir *William Windsor* and  
*Alice* his Wife, formerly *Alice Perriers*, or *Alice Pierce*,  
 petitioned the King and Parliament, That the Judgment  
 against her, given in the last, might be revoked, and  
 they authorized to pursue the Reversal of it, by their  
 Attornies, in due Form. *Granted.*

The next was, That it seems, at this Time, there  
 was a terrible Schism in the Church of *Rome*, and two  
 Popes were elected to sit in the Papal Chair, *Urban VI.*  
 and *Clement VII.* It being then more for the Interest of  
 this Kingdom to side with the former than the latter,  
 as may be seen in our larger Historians, it was enacted  
 in this Parliament, That Pope *Urban* was the true and  
 lawful Pope duly elected ; and that the Benefices of all  
 such Cardinals and others, who were Rebels to the said  
 Pope, should be seized into the King’s Hands, and he  
 to be answerable for the Profits thereof : And that who-  
 soever, within this Realm, should procure or obtain any  
 Provision, or other Instrument, from any other Pope  
 than the said *Urban*, shall be out of the King’s Protec-  
 tion, and his Goods and Chattels seized on as forfeited.  
 As this is the first Instance, so we presume it will be the  
 last,



K: *Richard II.* last, that ever the Election of a Pope of *Rome* shall be recognized and declared lawful by an *English* Parliament.

Anno Regni 3.  
1380.

At *Westminster*.

Writs for a new Parliament went out, dated the 20th of *October* this Year, to meet on the 14th of *January* next, being the *Monday* after the Feast of *St. Hilary*, at *Westminster*<sup>†</sup>: But, by reason of the great Rains that had fallen, several Lords were not yet come up, nor several Sheriffs returned their Writs; whereupon the Parliament was adjourned to the next Day: On which, the King, Bishops, Lords, and Commons, being assembled in the *Painted Chamber*<sup>‡</sup>, the Knights, Citizens, and Burgeses were called over; and then Sir *Richard le Scrope*, Chancellor of *England*, by the King's Command, declared the Cause of the Summons to this Effect<sup>u</sup>:

‘ *First*, For the Liberties of the Church, the Maintenance of Laws, and Preservation of the Peace. *Next*, ‘ Because the Regality of the King's Crown was much ‘ impaired, in several Instances, as well by the Court ‘ of *Rome* as otherways; and therefore the Provisions ‘ made for supporting it ought to be well observed, and ‘ other Remedies provided for that Purpose. *Thirdly*, ‘ To consult how to resist not only the Enemies of ‘ *France*, *Spain*, and *Scotland*, who had raised hot Wars ‘ against us, but also to suppress the Rebels of *Ireland* ‘ and *Gascoigny*, and how to defend the King's Dominions beyond Sea. All which, because they could ‘ not be accomplished without their Aid, he desired they ‘ would consult about and advise accordingly.’ He further told them, ‘ That the Grant made by them at *Gloucester*, of the new Increase of Wools, and Six-pence ‘ in the Pound on Merchandize, which had been revoked in the next Parliament, on the Grant of the Poll-Tax, and which was promised to be able to raise ‘ 20,000 armed Men and as many Archers, had fallen ‘ short; for the Charge of those Soldiers came to 50,000 *l.* ‘ besides other Expences there declared; for all which

‘ the

<sup>u</sup> See the List of the Peers summoned to this Parliament in *Cotton's Abridgement*, p. 181.

<sup>†</sup> *Chambre de Pintz*.

<sup>‡</sup> He begins his Speech, *Mes Seigneurs, les Prelates, Ducs, Countes, et Barons, et vous mes Sires de la Commune d'Angleterre, &c.* Rot. Parl. 3 *Rich. II.* No. 2.

‘ the King stood indebted ; whereof he willed them to have due Consideration.’ *Lastly*, he added, ‘ That the Lords of his Great Council were ready to lay before them the Receipts of the last subsidial Grants, and the Disbursements of the same.’

After appointing Receivers and Triers of Petitions, as usual, the Commons adjourned to their Place, and soon after returned into Parliament, with Sir *John Gildersburg*, Knight, whom they had chosen Speaker ; who, making the usual Protestation, first ‘ Prayed that the Prelates and other Lords of the King’s standing Council might be discharged, and none such for the future be retained ; because they said, That now the King was of good Discretion, in respect of his Age, which was the same with his Grandfather’s at his Coronation, who then had no other Counsellors but the five principal Officers of his Realm. Praying also that those five Officers, *viz.* the Chancellor, the Treasurer, Keeper of the Privy-Seal, Chief Chamberlain, and Steward of the Household, might not be renewed or changed untill the next Parliament. They likewise prayed that a Commission might be issued out to certain Persons to survey and examine, in all his Courts and Palaces, the State of the King’s Household, the Expences and Receipts in all the Offices, &c.’

This last was granted, and a Commission was made out to the Earls of *Arundele*, *Warwick*, and *Stafford* ; the Lords *Latimer*, *Brian*, and *Montacute*, with *John Hastings*, *John Gildersburg*, and *Edward Dalyngrugge*, Knights ; *William Walworth* and *John Philpot*, Citizens of *London*, and *Thomas Graa*, Citizen of *Yerk*, with others, to execute and report the same<sup>x</sup>.

The Lords and Commons together, considering [ 357 ]  
‘ that the King and Kingdom were surrounded with Enemies, who, with great Force, endeavoured all they could, as well by Sea as Land, to destroy them both, and even to extinguish the *English* Language ; therefore, for the Defence and Safety of the Kingdom, and for the good Success of the Expedition ordered into *Brittany*, and the Destruction of the said Enemies, they freely granted to the King one Fifteenth and a Half, with-

K. Richard II.  
Sir JOHN GIL-  
DERSBURG cho-  
sen Speaker.

A Committee ap-  
pointed to survey  
the King’s House-  
hold, &c.

A Subsidy grant-  
ed,

<sup>x</sup> The whole Form of the Commission, very large, *Prynne* says is worth remarking. p. 183. Rot. Parl. 3 Ricb. II. No. 15.

K. Richard II. ' without the Cities and Boroughs, and one Tenth and  
 ' a Half within those Places. With this Prayer, that this  
 With a Restriction, ' Subsidy, and what was remaining of the other, given  
 ' last Parliament, might be only applied for the Expedition into *Brittany*, and no where else.

' Considering also that the Subsidy on Wooll, Leather,  
 ' and Wooll fells was to end at *Michaelmas* next; and  
 ' that from thence the King would not be able to support the great Charge of carrying on the War in the  
 ' Marches of *Calais*, *Brest*, *Cherburgh* in *Gascoigny*, in  
 ' *Ireland*, and in the Marches of *Scotland*, they granted  
 ' the same Subsidies, from the Time they were to end  
 ' at, untill the *Michaelmas* Twelvemonth. And, with-  
 ' all, praying the King that there might not be another  
 ' Parliament called, to charge his poor Commons, till a  
 ' Year after that Time.'

Mr. Tyrrel has observed in the Records, a remarkable Transaction, done in this Parliament, omitted by Dr. Brady, which was this: ' That when the King and  
 ' both Houses resolved to enlarge the Powers of the Justices of Peace, the Prelates and Clergy, in their Convocation, made an express Protestation against it,'  
 ' That it had not, or ever should pass, with their Consents. The Answer the King gave to this, was, *That he would not forbear, for their Protestations, to make his Justices as he was wont, and by his Coronation Oath was obliged to do.* From whence that Author observes, that the Clergy, assembled in Convocation, were not then looked upon as a distinct Estate of Parliament, as some Men, adds he, without any just Grounds, have supposed.

The Clergy protest against enlarging the Power of Justices of the Peace.

[ 358 ]

The Reader may take Notice, that the first Petition of the Commons, relating to the Discharge of the King's standing Council, was not answered. But *Walsingham* writes<sup>z</sup>, though we do not find on Record, That they likewise desired that some one of the most fit and discreet Barons might be ordained to be near the King's Person, who should be able to return proper Answers to foreign Ministers, &c. Upon which *Thomas Beauchamp*, Earl of *Warwick*, was, by common Assent, assigned

<sup>y</sup> Tyrrel's History of England, Vol. III. p. 851. Rot. Parl. 3 Rich. II. No. 38.

<sup>z</sup> Sub hoc Anno.

signed for that Purpose, and an annual Pension appointed him for his Charge and Trouble. By this it appears more than probable, that the Duke of *Lancaster*, with the rest of the Bishops, Earls, and Barons, who had been appointed Governors to the King during his Minority, were greatly suspected to have embezzled the public Money, raised by the last Subsidies and Poll-Tax, without any great Benefit to the Nation. They, therefore, wisely chose to trust the Power in one Hand, rather than in many, who might be sooner called to an Account for any Mismanagement. We shall take our Leave of this Parliament with observing, That now Sir *Richard le Scrope*, for what Reason is not mentioned, surrendered his Office of Chancellorship, and *Simon Sudbury*, Archbishop of *Canterbury*, was put in his Place; which was then looked upon as a Degradation to his Archiepiscopal Dignity.

The *French War* continuing all this Time, with very little or no Advantage to *England*, the King again wanted Money to support the prodigious Expence of it. Accordingly Writs were issued out to summon a Parliament to meet the *Monday* after the Feast of *All-Saints*, at *Northampton*, notwithstanding the late Ordinance of calling no more Parliaments for some Time: Besides, that Town was most unfit for such an Assembly, by reason of Winter, and the Scarcity of Lodging and Fuel. At the Time appointed it was, as usual, adjourned for some Days, because that again the continual Rains had made the Roads almost unpassable; when, at last, being all met, that could come, (for several Lords were with the Duke of *Lancaster* on the *Scots Borders*) in a Chamber belonging to the Priory of *St. Andrew*, in *Northampton*, provided for that Purpose, the Archbishop of *Canterbury*, as Chancellor, declared to all there present the Cause of their Meeting, to this Purpose: ‘ That they ‘ could not be ignorant, that the Earl of *Buckingham* ‘ had been sent into *France*, with an Army which had ‘ cost the King more Money than was given him by ‘ the last Parliament: Besides, the late Expedition into ‘ *Scotland*, the Defence of *Guienne*, and the Charges he ‘ had been at in *Ireland*, had put the King under such ‘ great Necessities, that he had been forced to pawn his ‘ Jewels,

Anno Regni 4.  
1380.

At Northampton.

[ 359 ]



K. Richard II. ‘Jewels, the Subsidy on Woolls raising very little, because of the present Disturbance in *Flanders*: That the Soldiers in the Marches of *Calais*, *Brest*, and *Cherburgh*, were in Arrear more than three Months, and it was feared they might desert for Want of their Pay: That they were to consider the King was very much in Debt, and was bound, by Covenant and Indenture, to pay the Earl of *Buckingham*, with others concerned in that Expedition, for another half Year, now near ended; and that the King was also at a very great Charge in guarding the Coasts. Lastly, he desired them to advise the King how these Expences were to be borne with the most Ease to his Subjects; and how the Kingdom might be best defended against all its Enemies, both by Sea and Land, in as short a Time as possible.’

Sir JOHN GILDERSBURG chosen Speaker a second Time.

Debate upon raising a Supply.

The Commons took only one Day to treat about these Affairs, and then returned to the House of Lords, where, in the Presence of the King, Prelates, and Peers, Sir John Gildersburg, again their Speaker<sup>a</sup>, ‘Demanded a more clear Declaration of what had been said to them, and especially what Sum was demanded to support the Charge; praying, that no more might be required than was necessary, because the Commons were poor, and little able to bear so great a Charge any longer.’ Whereupon a Schedule was delivered in, by the King’s Great Officers and Council, containing the Sums necessary, which amounted to 160,000*l. Sterling*.

[ 360 ]

The Commons replied, ‘That they thought the Sum demanded was too much, and really insupportable; and prayed, That such Moderation might be used, that no more was to be demanded than what was to be borne, and was absolutely necessary for the Causes set forth: And farther desired the Prelates and Lords would treat by themselves about the Matter, and propound the Ways by which any reasonable Sum might be levied and collected.’

The Lords took Time to consult about this Affair; and, when they were agreed, they order’d the Commons to come before them, and told them what they resolved upon:

<sup>a</sup> Et illoques Mons. Johan. Gildersburg, Chevalier, qu’avoit le Paroles par le Comune, &c. Brady, Vol. III, p. 343. Rot. Par. 4 Rich. II, No. 10.

upon: *First*, ' That a certain Sum of so many Groats <sup>b</sup> *Richard II.*  
' might be paid by every Person in the Kingdom, both  
' Males and Females, the more able to help the less.  
' *Secondly*, If that was not agreeable, to have an Im-  
' position upon all Manner of Merchandizes, bought and  
' sold within the Realm, for a certain Term, every  
' Time they should be sold, to be paid by the Vender.  
' And, *Thirdly*, their Advice was to raise a certain Sum,  
' by Tenths and Fifteenths; but because the last Method  
' was grievous to the poor Commons, and that they  
' could not know what Sum it would raise, nor in what  
' Time the other Ways could be expedited, therefore  
' the Lords thought proper to pitch upon the Groats,  
' and proposed four or five <sup>c</sup> to be levied upon every  
' Person as above, this Way of Tallage seeming to  
' them the best and most easy to the Subject.'

The Commons, when they had a long Time debated  
about the Manner of this Levy, came into full Parlia-  
ment, and made Protestation, ' That they came not to  
' grant any Thing that Day; but they said, that if the  
' Clergy would support a third Part of the Charge, they  
' would grant 100,000 *l.* to be raised by a certain Num-  
' ber of Groats, so that the Clergy would raise 50,000 *l.*  
' which was but reasonable, for that they possessed a  
' third Part of the Kingdom <sup>d</sup>; and prayed the King  
' and Lords to move it to them, speedily to agree to  
' this Proposal.'

To which the Prelates replied, ' That their Grants [ 361 ]  
' were never made in Parliament, nor ought to be:  
' That the Laymen neither could nor should constrain  
' them in that Case; and claimed the Liberty of the  
' Church, which before that Time they had ever en-  
' joyed. They desired that the Commons might be en-  
' joined to do what they ought and were bound to do;  
' and as for themselves, they would act, under the pre-  
' sent Necessities, as they had done before.'

At last the Lords and Commons agreed upon a Ca- <sup>A Capitation-</sup>  
pitation-Tax, which was to be three Groats of every <sup>Tax granted.</sup>  
Person

<sup>b</sup> The French Word for this Coin is, *un Grosse*, in *Lato-Latin*, *Grossa*; which Sir Roger Twysden, in his Glossary to the *Decem Scriptores*, renders *Drachma*, vulgo a Groate; *Nomen a Magnitudine respectu Denarii, quatuor enim continet Denarios*. They were first coined by Edward III.

<sup>c</sup> *Quatre ou tynk Grotes*. Record.

<sup>d</sup> *Le Clergie, qui occupie la tierce Partie del Royalme*. Ibid.

**K. Richard II.** Person of the Kingdom, Male or Female, past the Age of fifteen Years, of what State and Condition soever, except Beggars; the sufficient People in every Town to contribute to the Assistance of the less able; so as none paid above sixty Groats, including himself and his Wife. The whole to be for the Support of the Expedition under the Earl of *Buckingham*, and the other Lords join'd with him in *Brittany*, and Defence and Safeguard of the Sea-Ports and Kingdom. It was further enacted, *That no Knight, Citizen, or Burgeess of this Parliament should be Collector of this Money; but that the King should appoint such as should equally levy it, according to the Meaning of the Grant, throughout the Kingdom.* So sensible was this Parliament of the great Partiality of their own Members, in collecting this Tax, even in those early Times, that they would not trust themselves with it. A noble Instance of a truly public Spirit, and really a Self-denying Ordinance.

Members of Parliament excluded from being Collectors thereof.

On the 6th Day of *December*, when the Schedule of the aforesaid Poll Tax was read in full Parliament, the Speaker of the Commons acquainted the King, That the Lords and they had also agreed to renew the Grant to him of the Subsidy on Wooll, &c. from that Time to *Martinmas* ensuing, on Account of the present pressing Occasions. Afterwards the Petitions of the Commons being read to the King, and answered by him, he dissolved this Parliament.

[ 362 ]

The said Tax occasions a Rebellion.

But tho' Matters were carried on smoothly within Doors this last Parliament, yet the Poll-Tax was the Occasion of a terrible Tempest without; which in the End proved fatal to those whom the enraged Multitude took to be the Advisers of it. The Insurrection in *Kent*, and its neighbouring Counties, headed by two such insignificant Fellows as *Wat Tyler* and *Jack Straw*, had probably occasion'd a general Revolution, but that some Accidents prevented it. The Accounts of this Rebellion, with the Rise and Fall of it, are amply discoursed on by our general Historians, wherein the Valour and Prudence of the young Monarch deserves a perpetual Memorial. We may reasonably suppose that no common Reader of *English* History is unacquainted with the Story of this Rebellion and its tragical Consequences; *Walsingham* and *Knyghton*, both living at that Time,

are

are very particular in their Relation of it ; to whom, or K. Richard II.  
 their Copiers, we must refer, since it is only consistent  
 with our Design to give an Account of the Imposition  
 of a Tax in Parliament, and not to trouble ourselves  
 with what Grudgings it occasioned by the collecting of  
 it. The afore-named antient Historians have ascribed  
 the Rise of this Rebellion to some scandalous Indecencies  
 practised by the King's Collectors in the gathering this  
 Tax<sup>a</sup>, but it is more than probable that the Populace,  
 that is, the meaner Kind of them, were provoked at it,  
 because it was the first Time they ever had such an Im-  
 position laid and levied on them. However, a Poll-  
 Tax was hereby rendered so odious, that another durst  
 never be attempted in any succeeding Reign, except a  
 much later one, down to our present Times<sup>b</sup>.

This dangerous Rebellion being at length quashed,  
 the King thought proper to send out Writs, dated July  
 16, for a Parliament to meet at *Westminster*, on the  
 14th of *September* following. It was afterwards pro-  
 rogued to the Day after *All-Souls* ; and, by reason of a  
 Quarrel which had happened between two great Men,  
 the Duke of *Lancaster* and the Earl of *Northumberland*,  
 who came to Parliament, with each a great Retinue of  
 armed Followers, it was further adjourned till the King  
 could make up the Difference, which was happily ended

[ 363 ]

VOL. I.

B b

a few

<sup>a</sup> Knyghton's Words are these : *Unus eorum [Collectorum] cum esset ad aliquam Villam, ad faciendam Inquisitionem de dicta Taxa, convocari fecit, tam Viros quam Mulieres et Puellulas ; quod, dictu horribile est, esursum impudice elevavit, ut sic experiretur utrum corruptæ essent et cognitæ a Viris, ut sic More artaret Amicos et Parentes pro eis solvere Taxam ; et plures potius eligerunt solvere pro suis Filiabus, quam videre eas tam turpiter attractari.* Col. 2633.

<sup>b</sup> There is an Account of a Parliament, held at *Westminster* this Year, in Cotton's *Abridgement*, p. 193, in the Beginning of *May*, but it is not in our Copy of the Rolls of Parliament.

Our oldest *English* Chronicles call this Tax a new and a strange Subsidy. *Hollingshead* writes, That great Grudging, and many a bitter Curse followed on the levying this Money, and much Mischief rose thereof as after did appear. *Holling. Chron.* p. 428. That glaring Foreigner, as Archhishop *Nicholson* calls him, *Polydore Vergil*, very elegantly writes of this Poll-Tax, *Hæc Exactio, ait ille, cum nova et insolita, tum intolerabilis, ita Plebis Animum vulneravit, ut posteaquam Pauperes qui solvendo non erant, possim conquerentes diras Voces in Autores tanti Facinoris jactarunt, et nihil se eo Modo proficere viderunt, Arma demum capienda statuentes, jamjam Mortes et Manus ubique Exactoribus intendant.* Pol, Vergil, Hist. Ang. Lib. xx. p. 402.



K. Richard II. a few Days after, by causing the Earl to ask the Duke's Pardon<sup>c</sup>.

Anno Regni 5.  
1382.  
At Westminster. On the Meeting, *William Courtney*, Archbishop Elect of *Canterbury*, and now Chancellor of *England*, declared the Cause of the Summons, and took for his Theam, *Rex convenire fecit Consilium*, and in *English*, according to the Record, made a notable Oration upon it. He applied his Text to the good and virtuous Government of the King, during his Reign; affirming, 'That no Reign could long endure, if Vice reigned in it; to redress which this Parliament was called, since the Laws now in Being were not able to do it.' And, after the usual Form for receiving Petitions was settled, the Chancellor told them that this being *Saturday*, the Cause of their Meeting should be more especially declared to them on the *Monday* next.

[ 364 ]

On the same Day the Commons were called over by their Names, in the White Chamber at *Westminster*, when Sir *Hugh Segrave*, Treasurer of *England*, by the King's Command, spoke, and put them in Mind of the Archbishop's Oration, and said, 'That the chief Cause of their Summons was, first, to take Care of the Church's Liberties and to provide for the Maintenance of the Peace; and, especially, to punish the Authors of the late horrible Tumults and Rebellion made against the King, who had been forced to grant to the Rebels Charters of Liberty and Manumission, who were only Bond-Tenants and Villains of the Realm, under the Great Seal of *England*. Which the King knowing to be done against Law, desired them to seek Remedy and provide for the Confirmation or Revocation thereof<sup>d</sup>.' Lastly, He said, 'The King was much

<sup>c</sup> The Earl being Warden of the Marches of *Scotland*, had strict Orders from the King not to suffer any Person whatsoever coming out of that Kingdom to enter *Berwick*, forgetting that the Duke was then there. At his Return, the Earl, on an old Grudge, took an Advantage of the King's Orders, and denied him Entrance into *Berwick*, which occasioned the Quarrel. It was well for the Duke that he was on this Northern Expedition; for if he had been in the South, he had fallen a Sacrifice in the late Rebellion, being a Man extremely odious to the Populace. *Sam. Daniel* in *Kennet*, p. 248.

<sup>d</sup> The Charter of Manumission, or Freedom, which the King was obliged to give to the Rebels, is too extraordinary to be omitted.

*Richardus, Dei Gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ; omnibus Ballivis, & Fidelibus suis, ad quos præsentis Literæ pervenerint, Salutem :*

\* much in Debt, and in great Want of Money to maintain his Court and the Wars.' K. Richard II.

The Commons retiring to their accustomed Place, the Chapter-House of *Westminster-Abbey*, chose Sir *Richard Waldegrave*, Knight, their Speaker; and returning with him into Parliament, *November 18*, the said Sir *Richard* desired to be excused and discharged from the Office; but the King insisting, upon his Allegiance, that he should stand, *as being chosen by his Companions*, he made the usual Protestation. This is the first Instance of a Speaker pleading to be excused from the Office.

Sir RICHARD  
WALDEGRAVE  
chosen Speaker.

Afterwards the Lords and Commons, together, came unanimously to this Resolution, *That all Grants of Liberties and Manumission, to the said Villains and Bond-Tenants, obtained by Force, were in Disherison of them, the Lords and Commons, and Destruction of the Realm; and therefore to be nulled and made void by Authority of this Parliament.*

The Commons also petitioned the King, 'That since the rest of the Charge was for Matters which highly concerned the State of the Realm, they might have certain Bishops and Lords to consult with them, since they thought their Advice would be very much to the Purpose.'

[ 365 ]

The Answer was, 'That they should give in the Names to the King in Writing, of such as they desired, that he might advise about it;' which being done, the King granted their Desire, and three Bishops and ten Lords were assigned for the Purpose.

And the Commons further pray'd the King, 'That the Prelates by themselves, the Lords Temporal by themselves, the Knights by themselves, the Judges by themselves, and all other Estates singly, might be ordered to treat about their Charge; and that their Ad-

B b 2

' vice

*Salutem : Sciatis quod de Gratia nostra speciali manumissimus universos ligeos, & singulos subditos nostros, ac alios Comitatus Hertfordiæ, & ipsos, & eorum quemlibet ab omni Bondagio exuimus, & quietos facimus per præsentem, ac etiam pardonamus eisdem ligeis ac subditis nostris omnimodas Felonias, Proditiones, Transgressiones, & Extortiones. per ipsos vel aliquem eorum Qualitercunque factas, sive perpetratas, ac etiam Utlagariam, & Utlagarias, si qua vel quæ in ipsos, vel aliquem ipsorum fuerit vel fuerint hiis Occasionibus promulgata vel promulgata, & summam Pacem nostram eis & eorum cuilibet inde concedimus.*

*In cujus Rei Testimonium, has Literas nostras fieri fecimus Patentes. Teste meipso apud London, 15 Die Junii, Anno Regni nostri quarto.*

\* *Elux par ses Compaignons.*

K. Richard II. 'vice might be reported to the Commons.' To which it was answered, 'That the King had charged the Lords, and other Sages, to commune diligently upon the said Matters; but the antient Custom and Form of Parliament had always been, that the Commons should first support their Advice, upon the Matters given them in Charge, to the King and Lords of Parliament, and not on the contrary; and therefore the King would, that the antient and good Customs and Form of Parliament should be kept and observed.'

The Commons complain of Abuses in the Government.

After the Commons had conferred with the Lords, they return'd into the Parliament, 'And made great Complaint of the Government of the Realm, which, if not amended, the Kingdom would be in short Time ruined: They complained also of the Government about the King's Person, his Court, the excessive Number of his Servants; of the Abuses in the *Chancery, King's-Bench, Common-Pleas, Exchequer*; and of grievous Oppressions in the Country, by the great Multitude of Maintainers of Quarrels, who behaved themselves like Kings in the Country, so as there was very little Law, or Right; and of other Things, which they said were the Cause of the late Commo-tions, and Mischiefs of the Land, and requested they might be amended.

[ 366 ]

A Committee appointed there-upon,

The King, by Advice of the Lords and his Council, granted, 'That certain Prelates, Lords, and others, should survey and examine the Government of his Person and Court, and to think of sufficient Remedies.' The Persons chosen to make this Inquiry were, the Duke of *Lancaster*, the Archbishop Elect of *Canterbury*, the Archbishop of *York*, the Bishops of *Winchester, Ely, Exeter, and Rochester*; the Earls of *Arundele, Warwick, Stafford, Suffolk, and Salisbury*; the Lords *Zouch, Nevil, Grey of Ruthin, and Fitz-Walter*; Sir *Richard le Scrope*, Sir *Guy de Brian*, and others. The King's Confessor was charged to abstain from coming to, or remaining at, Court, unless at the four great Festivals of the Year; this was done at the Request of the Commons, and Assent of the Lords, being one, as was then supposed, that gave the King ill Advice.

Then follow certain Petitions of the Commons, tho' the Answers to them are not set down.

First.

*First*, They Petition the Duke of *Lancaster*, and the *K. Richard II.* other Lords, assign'd by the King for that Purpose, ' To place the most discreet and valuable Officers about the King's Person, and his Court ; to appoint a Chancellor, Barons, and Officers in the Exchequer, Judges of one Bench and the other ; that they might know their Names, and what they were to do, and the Method they were to take in the Regulation of the Realm, after these Things were done.'

They also petition, ' That an End might be made of the War, which was in great Part maintain'd by the Goods that the Enemies of the Nation took, by Sea and Land, from the *English*, to the great Dishonour of the Government and Nation, and Destruction of the whole Realm.'

They likewise petition, ' That certain of the Chief Clerks in Chancery, certain Justices, Barons of the Exchequer, and others, learned in the Law, might consult of the Grievances above ; and that certain Merchants might declare the Causes of the low Prices of our Commodities, the carrying over our Money, washing and clipping thereof.'

Then the Commons brought into Parliament a Draught, containing three Articles, for as many Sorts of Pardons, if the King would please to grant them. a Petitions of the Commons for Pardons, on Account of the late Tumults ;

The *first* was, For the Lords, Gentlemen, &c. that, in Resistance of the Rioters and Traitors, caused some of them to be slain, without due Process of Law.

The *second*, To appease and quiet the Minds of the common People, concerning all Treasons and Felonies committed in the late Riots and Tumults. This was granted, with some Exceptions, provided that such as received Damages and Losses by these Insurrections, should not by this Pardon be fore-closed from recovering any Recompence by due Course of Law.

The *third* was, For the good People that kept themselves in Peace, and were noways consenting to the said Tumults and Insurrections, yet were someways concerned, by favouring or receiving the Rebels.

This Business of the Pardons being over, the Commons made a Rehearfal of their Requests and Grievances which they would have amended, and desired to have a View of what was done in that Matter ; which the



**K. Richard II.** King then did not immediately answer, but told them;  
 ‘ He had been at great Expence in quieting the Nation  
 ‘ of the late Tumults and otherwise, as was declared to  
 ‘ them before by his Officers; and that he was to be at  
 ‘ further great Expences, by reason of the Queen’s com-  
 ‘ ming over, her Marriage, and Coronation, which were  
 ‘ suddenly to be celebrated; also in guarding the Seas,  
 ‘ and keeping his Fortresses abroad, and for Defence of  
 ‘ the Realm at home; for the Discharge of which Debts,  
 ‘ and the Supply of his Expences, he had nothing in his  
 ‘ Treasury.’

To which the Commons answered, ‘ That, consider-  
 ‘ ing the evil Hearts and Rancour of the People through  
 ‘ the whole Realm, they neither durst nor would grant  
 ‘ any Manner of Tallage.’ They also desired the Par-  
 ‘ liament might be adjourned ’till after *Christmas*, which  
 was granted; and then they also desired again to know  
 the Extent of his Grace and Favour in pardoning: To  
 which the King replied, ‘ That it was not the Custom  
 ‘ of Parliament to have a general Pardon, and such Fa-  
 ‘ vour from the King, when the Commons would not  
 ‘ grant him any Thing;’ and told them, ‘ He would  
 ‘ advise further of his Grace and Pardon, untill they  
 ‘ should do what belonged to them:’ And said, more-  
 ‘ over, ‘ It was customary to grant Pardons the last Day  
 ‘ of the Parliament, when he answered their Supplica-  
 ‘ tions and Petitions in Writing.’ The Commons  
 replied again, ‘ That, for the Grant of a Subsidy on  
 ‘ Woolls, &c. they should take Time to consider of it:’  
 To which, on the Part of the King, it was answered,  
 ‘ That he also would consider of their Pardons.’

Upon this the Commons retired; and in a small Time  
 after, being better advised, they came before the Lords,  
 saying, ‘ They had considered the great Charge the King  
 ‘ had been at, as well here as beyond Sea;’ and then the  
 Prelates, Lords, and Commons agreed to continue the  
 Subsidy on Wooll, Leather, and Wooll-fells, untill  
*Candlemas* next ensuing, as it was last granted; where-  
 upon the King ordered a Declaration to be read of his  
 Grace and Pardon to all Sorts of People, a certain Num-  
 ber there specified only excepted; at which the Com-  
 mons expressed great Joy, and gave the King their most  
 humble and sincere Thanks for such his Grace and Fa-

VOUR,

[ 368 ]

Which the King  
 agrees to, on the  
 Grant of a Sub-  
 sidy.

your<sup>a</sup>. The Names of the excepted Persons are all entered on the Rolls, to the Number of some Hundreds; amongst whom are some Priests, but not one Gentleman; the rest have their Trades severally specified against their Names, and Towns and Counties where they lived: By all which it appears, that these Rioters, who did so much Mischief, and went near to overturn the whole State, were composed of the very Dregs of the People<sup>b</sup>; and, if we consider that they were the Persons the most hurt by this Poll-Tax, the Wonder will cease that they should rise upon it, especially when headed by such bold and daring Fellows as their Leaders are represented to be.

In this Session of Parliament great Complaints were made against the Mayor, Bailiffs, and People of the Town of *Cambridge*, for their Actions against that University in the late Tumults; and the said Officers being summoned to appear before the King and his Council in Parliament, they appeared and denied the Matters of Fact; which being proved, they submitted themselves to the King's Mercy: Whereupon, their Franchises being given up, some of them were granted to the University, and the Residue the King granted again to the Town.

About the Middle of *December* the Parliament was prorogued to the Middle of *January*, on Account of *Christmas* being near, and the young King's going to be married to *Anne*, Sister to *Wenceslaus*, Emperor of *Germany* and King of *Bohemia*: And it was ordered that all Pleas, Causes, and other Matters moved in this Parliament, with all other Things, should remain undetermined to that Time<sup>c</sup>. When they met again, the first Thing the Parliament went upon was, to take into Consideration a Proposal made by the Duke of *Lancaster*, to make another Expedition into *Portugal*, if the Parliament would allow him 60,000 *l.* to pay the Wages of 2000 Men at Arms, and 2000 Archers, for half a Year.

For

<sup>a</sup> Rot. Parl. 5 Richard II. No. 63.

<sup>b</sup> Such as Labourers, Tilers, Coblers, Tinkers, Taylors, Sheremen, &c. Amongst these are very many of the City of *London*, who had joined the *Kentish* Rebels on this Occasion.

<sup>c</sup> It was enacted in this Parliament, 'That no Gold or Silver should be carried out of this Kingdom, either in Coin or otherwise.' It being found then, as well as now, that Traffic with ready Money impoverishes a Nation. *Sam. Daniel in Kennet*, p. 249.

K. Richard II.

[ 369 ]

For the better understanding this Proposal, it is necessary to inform the Reader, that this *John a Gaunt*, Duke of *Lancaster*, was also, in Right of his Wife, titular King of *Castile* and *Leon*; but kept out of Possession by *Henry the Bastard*, who had murdered *Don Pedro*, the last King, the Duke's Wife's Father. The Duke had so far prevailed with the King and Council of *England*, as to send a small Army, the Year before, to the Assistance of the King of *Portugal*, at that Time hard put to it by the said *Henry the Bastard*. The *Portuguese* offered very advantageous Terms for these Succours; amongst others, that they would prevent, by the Power of their Fleet, the *French* and *Spaniards* from going in or out of the Straits of *Gibraltar*. *Edmund* Earl of *Cambridge*, the King's Uncle, was made General of this Expedition, who, arriving at *Lisbon*, was the Means of saving that City; for it was soon after besieged by the *Spaniards*, and had been taken, but for a vigorous Sally made by the *English*, which obliged them to raise the Siege with great Shame and Loss.

The Duke's Reasons for this second Expedition into *Portugal*, were, 'For the saving such *English* Soldiers as were still there; for the Recovery of his own Right in *Spain*; and, also, for the Safeguard of the Sea, Preservation of the Realm of *England*, and the Destruction of her Enemies. Offering to repay the Sum stipulated in three Years, either in Money, or by some acceptable Service.' This Demand occasioned a long Debate amongst the Lords, some approving of the Reasons, and others not; but the latter were the Majority at this Time.

A Subsidy granted for the Assistance of the *Portuguese*.

[ 370 ]

On the 25th of *February* the Lords and Commons resolved, 'That, considering the King's great Necessities, and the Number and Strength of his Enemies, both at Sea and Land, with the great Expences he must be at for the Defence of the Kingdom, against such Force, they would of their own Free-Will grant to the King the Subsidy on Wooll, Wooll-fells, and Leather, as it was in the last Grant, from that very Day to the Feast of St. *John Baptist* next coming; and from thence for four Years more, whether such Armaments should be made Use of in the Voyage of the Lord of *Lancaster* into *Spain*, or in any other Manner.

'Manner:' But with this exprefs Protestation of the Commons, *That it was not their Intention to be obliged, by any Words in this Grant, to quarrel or have a War with Spain; but they only gave it for the Defence of the Kingdom, and Resistance of its Enemies; as it should seem best to the King's good and honourable Council to advise and ordain about it.* And farther the Commons pray, That if a Peace or a Truce should happen to take Place, within the Time the said Subsidy was granted to, that then the Revenue, or Profits of it, should be so discreetly and safely kept, that, when another Occasion offered, it might serve for the Aid and common Good of the Kingdom <sup>d</sup>.

In this Parliament Sir *Richard le Scrope*, a Man of known Judgment, Learning, and Integrity, was again appointed Lord-Chancellor. But, very soon after its Dissolution, by the Instigation of some Courtiers, who were but inferior Officers to the King, because Sir *Richard* would not pass some large Grants of Estates to them, which had escheated to the Crown, the Seals were taken from him, and given to *Robert Braybroke*, Bishop of *London*. This is mentioned as the first unpopular Act of this King's Reign, and what gave the Public a Dislike to his Government; or rather, says *Walsingham*, to that of his Ministers, who then managed Affairs, and played upon the King's Youth, and the Easiness of his Nature. At this Time, also, were made several Statutes concerning Strangers being admitted to buy and sell Commodities in their own Names, without any Hindrance of the *English* Merchants; likewise, for the forbidding of Furs, and regulating the Excess of Apparel in inferior People; to settle the Price of Wines, and many other Matters. Lastly, great Care was taken to provide Remedy for those who had lost their Deeds of Estates, Conveyances, or other Records, in the late Insurrection, by Fire or otherways. The aforesaid Author, at the End of his Account of this Parliament, adds this severe Reflection, *But what do Acts of Parliament signify, when, after they are made, they take no Effect, or are nothing regarded; since the King, by Advice of his Privy Council, took upon him to alter, or wholly set aside,* Sir Richard le Scrope removed from being Chancellor, for refusing to pass several Grants.

The King, by Advice of his Privy Council, sets aside the Determinations of all Parliament.



K. Richard II. *all those Things which, by general Consent, had been ordained in Parliament* <sup>c</sup>.

It should seem that this last Parliament was again prorogued or adjourned to the Morrow after St. *John-Port-Latin*, or the seventh Day of *May* in the same Year; for we find another Meeting of one at *Westminster* entered on the Rolls, there called *Pars secunda*, though it is not at all taken Notice of in the Abridgement. This Parliament opens with all the Ceremonies of a new one; as to calling over the Names of the Knights, Citizens, and Burgesſes, appointing Receivers and Triers of Petitions for foreign Parts, &c. tho' after all, there was but very little Buſineſs done at it.

In this Parliament the Record ſays<sup>f</sup>, that Sir *Richard le Scrope* opened the Cause of the Summons, by which we learn that he was not yet removed from the Office of Chancellor. He told the Lords and Commons, That the Revenue ariſing from the Subſidy on Woolls, &c. granted by the laſt Parliament, was not ſufficient for the Occaſions of the State: That, ſoon after the ſaid Parliament was finiſhed, the King had called a great Council of Prelates and Lords to meet at *Windſor*, to have their Advice, and to acquaint them that it was his firm Purpoſe to go abroad in Perſon and carry a Royal Army into *France*: And that the ſaid Lords knowing well the Scarcity of Money that was in the Treasury, and, on the other Side, the great Benefit and Profit that would accrue

<sup>c</sup> *Sed quid juvant Statuta Parliamentorum, &c.* Walsingham.

In this Parliament, or the next, *William Ufford*, Earl of *Suffolk*, being choſen, by the Knights of the Shire, &c. to deliver their Minds to the King and Parliament, at the Inſtant he was going up the Stairs for that Purpoſe, fell down dead in the Hands of his Servants. He was a Nobleman much lamented, on Account of his great Humanity and Affability to all Men. *Hollingshead's Chron.* p. 440.

Another polite *Italian*, who wrote the History of the Civil Wars in *England*, under the Conteſts between the two Houſes of *York* and *Lancaster*, ſays, That this King, amongſt the moſt conſiderable Jewels of his Crown, had one incloſed in it by the Laws, that thoſe Fathers who die in the Nonage of their Sons, the latter ſhall under his Tuition, 'till the one and twentieth Year of their Age; all their Lands redounding from the aforeſaid Time to the King, ſave the third Part which is reſerved for their Education. By this Prerogative, he adds, *Richard* enjoyed the great Income, fallen unto him by the Death of the Earl of *March* and ſeveral others; all which he beſtowed upon Men of no Uſe nor Merit. Sir *Francis Biondi*, tranſlated by *Henry Earl of Monmouth*, p. 3. Fol. Lond. 1641.

<sup>f</sup> Rot. Parl. 5 Ricb. II. *Pars ſecunda*, No. 3.

accrue to the Nation, if God should prosper such an *K. Richard II.* Undertaking, out of their great Generosity and Courage, had all offered to serve the King in his Wars for one whole Year entire; and to provide a large Number of Men at Arms and Archers to serve for single Wages: That all the Merchants in *London*, and other great Towns in *England*, two or three of the most sufficient of them, had been summoned and consulted about a Loan of Money for the Purpose, but that they made a Difficulty of lending such a large Sum without the Security of Parliament: It was for this Reason, and for the Safeguard of the Realm during the King's Absence, that this Parliament was called, and for no other Cause whatsoever: That the King prayed they would take the Matter into Consideration, and do therein as they valued his Honour and the common Good of the whole Realm, as it was the first Enterprize he ever undertook.

A Day or two after this Declaration was made the Commons came before the King and Lords, and demanded what Sum of Money was wanted to fit out this Expedition. They were answered, That a Sum not less than 60,000*l.* would do for the Purpose; and that it would cost much more to furnish out and pay the Wages of 3000 Men at Arms, and 3000 Archers, for half a Year: That if God should bless them with Success, it would turn out to the double Advantage of the Nation, as well as the Safeguard and Defence of it.

After this a Committee of Merchants, there named, were appointed to consider of advancing and lending the aforesaid Sum; but some of that Body having been formerly ruined by Loans of that Kind, which never were repaid, were very shy in this Case: They said, however, That if the Lords Spiritual and Temporal, the Knights, Esquires, and inferior Clergy of the Realm, would freely lend the King a considerable Sum, without Interest, then they would do the like upon good Security, otherwise they neither would nor durst lend any *£*.

Upon this Refusal, there appeared no other Way of raising Money than for the Parliament to join with the King, in granting Licence to all Manner of foreign Merchants to buy and sell Goods all over *England*, immediately

*£ Par Suertie suffisante; mais, en autre Manere, ne verrent neant chose rien approuver. Rot. Parl. 5 Ric. II, Part II, No. 11.*

K. Richard II. immediately paying half a Mark for the accustomed Duties and Subsidies on them till *Michaelmas* next ensuing; but this also not answering the Purpose, the King's Expedition was laid aside, and nothing more done as to the War; only the Merchants of the Western Parts of *England* offering to maintain a Fleet till *Michaelmas* come two Years for the Safeguard of the Sea, it was accepted.

These Matters were most or all of the Business done at this Meeting, which make only seventeen Articles on the Rolls; for no Petitions for Redress of Grievances were presented to the King from the Commons, probably, because they granted him no Money. But one Thing, however, done at this Time, must not be omitted, since it is strictly Parliamentary; which is, That the King, with the Consent of the Lords and Commons, willeth and ordaineth, That all and singular Persons, who, from henceforth, shall be summoned to Parliament, be they Archbishops, Bishops, Abbots, Priors, Dukes, Earls, Barons, Bannerets, Knights of Shires, Citizens, or Burghesses, or any other Persons whatsoever, that shall not obey the said Summons and give their Attendance, without some just and reasonable Excuse made to the contrary, they shall be amerced, or otherwise punished, as of the antient Usage of Parliaments it used to be: Also, That if any Sheriff of a County within this Realm, should be so negligent as not to make due Returns of Writs of Summons, or omit, in such Returns, any Cities or Boroughs that have antiently sent Members to Parliament, he shall be punished as was formerly by Law accustomed.

Anno Regni 6.  
1383.

At Westminster.

[ 371 ]

The next Parliament we meet with, on Record, and is also in the Abridgement, was called for to meet about *Michaelmas* in the sixth Year of this King; when the King, the Prelates, and Lords, being assembled in the Painted-Chamber, the Names of the Knights, Citizens, and Burghesses were called over before them. After which, the Bishop of *London*, as Chancellor, opened the Cause of their Meeting to be, 'For the better Defence of the Nation against its Enemies, and to provide Means for that Purpose.'

Dr.

Dr. *John Gilbert*, Bishop of *Hereford*, by the King's <sup>K. Richard II.</sup> Command, further explain'd the Cause of Summons; and propos'd two Ways to deal with the Enemies of the Kingdom; one by making use of the *Flemings*, who offer'd their Service, against them; and the other, to close with the Offer of the Duke of *Lancaster*, made in the last Parliament, who now had reduced his Demand for the Support of his Army from 60 to 43,000 *l*.

These Matters being of so high a Nature, the Commons, as usual, made their Request to the Lords to have such as they named to consult with them about the Charge; which was granted, and the Names of the Lords entered upon the Roll. After a Conference between the Lords and Commons they granted the King a Tenth and a Fifteenth, 'By reason, as they said, of the great Danger the Nation was in from the mighty Preparations of the *French* King against them, to be employed as the King, by the Advice of his Council and the Lords of the Realm, should think fit <sup>A Subsidy against the French.</sup> *h*.

Then the Duke of *Lancaster*'s Proposal came again into Consideration, and the Question was put to every particular Prelate, Earl, Baron, and Banneret, 'Whether they thought his Voyage into *Spain*, with the Number of Forces propos'd, would be for the Service of the King and Realm, or not?' It was agreed, 'That it might be so; only they believed the Force too small to be employed against so great a Kingdom.'

[ 372 ]

A Religious Affair of some Consequence to the Church of *England*, as then established, came before this Parliament. In the last Session there was an Act pass'd, which is now in our Statute Books, under this Title, *An Act to commission Sheriffs to apprehend Preachers of Heresy, and their Abettors, reciting the Enormities ensuing the preaching of Heresies* <sup>1</sup>. This Statute had been surreptitiously obtained by the Clergy, and had the Formality of an Enrolment without the Consent of the Commons. In this Parliament, therefore, that Body justly complain'd, and humbly petitioned the King, that 'Forasmuch as that Statute was made without their Con-

The Statute of Heresy obtained, by Ecclesiastical Artifice, without the Consent of the Commons.

sents, and never authorized by them; and as it never  
' was  
<sup>h</sup> It appears by the *Statutes at large*, that this Subsidy was given, that the Money might be employed, wholly, for keeping and guarding the Seas. See *Statutes at large*, 5 *Rich. II.* p. 333.

<sup>1</sup> *Statutes at large*, An. Reg. 6 *Rich. II.* cap. v.



K. Richard II. ' was their Meaning to bind themselves, or their Successors, to the Prelates, no more than their Ancestors had done before them, they prayed the aforesaid Statute might be repealed, and it was done accordingly <sup>k</sup> : But, by the Artifice of the Bishops, even this Act of Repeal was suppressed, and Prosecutions carried on, by Virtue of the former ; which is the Reason that the other is not to be found in the Statute Books. This is a Piece of *Ecclesiastical Collusion* too glaring to be overlooked by any except the Prelatical Writers of this and the last Age. But, for an Account of the famous Reformer *John Wickliffe*, and his Doctrines, against whom the before-mentioned Statute was levelled, we refer to the Writers of *English Church History* ; since these Innovations in Religion were never made a Matter of Parliamentary Inquiry, in those Days, except in the Act before recited <sup>l</sup>.

[ 373 ]

It is proper here to take Notice, that a Rebellion was about this Time begun in *Flanders*. The *Flemings* had driven their Earl out of his Country ; he applies himself to the King of *France*, as his Sovereign Lord, and they crave the like Assistance from the King of *England*. The *French King* marched an Army into *Flanders*, and subdued a great Part of that Country, and the Earl laid Siege to *Ghent*, which was the Head of the Rebellion, and in great Danger of being taken.

Anno Regni 6.  
1383.

At Westminster.

To prevent this, and to stop the Progress of the *French King's Arms* in *Flanders*, his Preparations to besiege *Calais*, and his further Designs against *England* itself, another Parliament was called to meet at *Westminster*, about the Middle of *Lent*, *February 23*, the next Year, which is still the 6th of this King <sup>m</sup>. The Causes above were expressed in the Summons ; and, when met, the Bishop of *London* declared further, ' That the King had offered to go over in Person with ' a Royal Army ; but having since received the News, ' that the *French King* had over-run all *Flanders*, ex-  
' cept

<sup>k</sup> *Abridgement*, 6th of *Rich. II.* p. 285.

<sup>l</sup> By a Petition of the Knights of Shires this Parliament, *John Wraw*, Priest, who was the Ringleader of the Insurrection in *Suffolk*, was adjudged to be hanged as a Traitor ; tho' many believed he would have been bought off with Money. *Hollingsb. Chron.* p. 440.

<sup>m</sup> It is called in the Rolls *Pars secunda*, as if it was Part of the former Parliament.

‘cept *Ghent*, therefore this Parliament was called for *K. Richard II.*  
‘their Advice, whether the King should go in Person  
‘to the Relief of that Town; and, if so, how to pro-  
‘vide for such an Undertaking?’

The Commons consulted together two or three Days on the Business of their Charge; but finding it, as they said, so great and so highly affecting the King’s Person, therefore they prayed his Majesty to grant them certain Lords, all named by themselves, to treat with them about it. The Prelates and Peers desired were, the Archbishop of *Canterbury*, the Bishops of *Ely* and *Hereford*, the Earls of *Cambridge*, *Stafford*, and *Northumberland*, the Lords *Nevile*, *Fitz-Walter*, and *Cobham*, which was granted by the King, *although*, as the Record mentions, *it was, is, and, ought to be, in the Election of the King to assign such Bishops and Lords as he should think fit, or others of his own proper Nomination*<sup>n</sup>.

A Conference between the two Houses, concerning the King’s going in Person against the French.

[ 374 ]

When this Committee of Lords had consulted with the Commons for some Time, the latter appeared before the King and the whole House of Peers, and, by Sir *James Pickering*, then their Speaker, made the usual Protestation and declared, ‘That the King’s Passage, and the ordering of his Voyage, or any other great Voyage, belonged not to them, but to the King himself, and Lords of his Council; yet, by Way of Advice, considering what Troubles were in the Land, that the Truce with the *Scots* was near expiring, and they were raising great Forces near the Borders, and it being doubtful whether they would now comply with any Proposals of Peace or Truce, unless driven to it; therefore they thought that neither the King, nor any of his three Uncles of *Lancaster*, *Cambridge*, or *Buckingham*, could be spared out of the Kingdom, untill that and the Borders aforesaid was well quieted and settled. They rather advised him to accept of a Proposal made by the Bishop of *Norwich* of raising 3000 Men at Arms and 3000 Archers, well mounted, with whom he purposed to relieve *Ghent*, reduce *Flanders*, and afterwards to carry the War into *France*; provi-

Sir JAMES PICKERING, Speaker, declares against it.

<sup>n</sup> *Combien que feust, est, et doit estre, en le Election de nostre dit Seigneur le Roy d’assigner a ce le ditz Prelates et Seigneurs issint nomez, ou autres a sa propre Nomination.* Rot. Parl. 6 Ricb. II. p. 2. N<sup>o</sup>. 8.

K. Richard II. 'ded he was allowed the Fifteenth and the Tenth, granted by the Laity and Clergy, with the two Shillings a Tun upon Wine, and Sixpence in the Pound upon Merchandize for the Guard of the Sea.'

The Commons petition the King to regulate his Household, &c.

Amongst their Petitions in this Parliament the Commons prayed the King, 'That for his Honour and Profit, with the Quiet and Comfort of themselves, of his great Grace he would please to command, that certain Lords might be assigned to be about his Person, out of the most wise, honest, and discreet Persons in the Kingdom, to advise and counsel him; and further, that he would please, by the Advice of the Lords, so to order his Household, that he might live on the Revenues of the Crown; and that the Subsidy on Wooll, with the Money arising from the Marriages and Escheats, might be wholly employed to support the War.'

[ 375 ]

The King answered, 'That he would take such sufficient Persons, Lords and others about his own Person, as appeared to him most for his Honour and Profit; and as to the Government of his House, it should be done by the Advice of the Lords and others of his Council, as, saving his Honour, should seem best to them.'

The Papal Chair in Contest between Urban VI. and Clement XI.

The Proposal of the Bishop of *Norwich*, mentioned above, was on a very extraordinary Occasion, and deserves our Notice. It has also been said that, at that Time, there was a great Schism in Holy Church, two Popes having been elected, and each supported by different Nations and Factions. One of them, who called himself *Urban* the Sixth, had sent Bulls into *England* for a Crusade, to sign all with the Cross that would go with him into *France*, for the Destruction of the Antipope, who also stiled himself *Clement* the Eleventh<sup>o</sup>. By virtue of these Bulls, sent to the Bishop of *Norwich*, and by him published all over *England*<sup>p</sup>, that Prelate collected a great

<sup>o</sup> The anonymous Noble Author of this King's Life, before quoted, says that this was obtained by *Urban*'s complimentary Letters to the King and his Parliament, and his honouring our Bishop of *London* with a Cardinal's Cap. Page 58.

The King's Letters Patent to confirm these Bulls are in *Fœd. Ang. Tom. VII. p. 252.*

<sup>p</sup> The Orders of the Bishop from the Pope, for taking or contributing toward this Crusade, are published at Length, in *Knyghton. Col. 2673. Gallice.*

great Sum of Money; besides Jewels, Necklaces, Brace-  
lets, Rings, Dishes, Spoons, and other Silver Imple-  
ments, which the Ladies and other Devotees gave to  
purchase Heaven and to obtain the Benefit of Absolution  
and Pardon for all Transgressions <sup>p</sup>. Nor were the Men  
unmindful of their own Salvation in this Way, for many  
of them, as was believed, gave beyond their Abilities,  
in order to make their Absolution more valid; some  
found Men at Arms, others Archers, and several were  
so zealous as to serve in their own Persons. The Form  
of the Absolution itself is also worth the Reader's No-  
tice; translated from the Original <sup>q</sup>.

K. Richard II.

[ 376 ]

*By Apostolic Authority to me committed, I do absolve thee A. B. from all thy Sins which thou dost with a con-  
trite Heart confess, or would confess if thou didst remem-  
ber them; and I give thee a full Remission of them, the  
Retribution of the Just; and I do promise thee Increase or  
Addition of eternal Salvation. And I grant to thee  
the same Privileges that are granted to such as go to the  
Defence of the Holy Land; and do impart to thee the  
Prayers and Suffrages of the Holy Catholic Church.*

Pardons and In-  
dulgences granted  
by the former to  
all who would  
engage in his  
Quarrel,

But, to give the greater Credit to this sanctified Cause,  
the Consent and Aid of Parliament was thought abso-  
lutely necessary; and the Bishop, on further Consider-  
ation, mended his Bill, and made a second Proposal to  
the Houses; which was, 'To serve the King, one whole  
' Year, with 2500 Men at Arms, and an equal Number  
' of Archers, well arrayed and mounted, for the whole  
' Fifteenth granted by the Laity. Of which Number  
' 1000 Men at Arms, and as many Archers, should be  
' ready to pass the Sea for the Relief of *Ghent* and the  
' Country of *Flanders*, within twenty Days after the first  
' Payment; and that he would take upon him to pay the  
' Charge of Shipping, and all other incident Expences.

This last Proposal was agreeable to the King, his  
Council, and both Houses of Parliament; and since  
*France*, with the Earl of *Flanders*, were intirely in the  
Interest of the Anti-Pope, they were in Hopes that some  
great Advantage might be made of this Expedition in  
the *French War*, which still continued.

VOL. I.

C c

A

<sup>p</sup> Such a Frenzy as this took the Women in a much later Reign, as is  
humorously described in *Hudibras*.

<sup>q</sup> Dr. Brady's *Append.* No. 105.



K. Richard II.

[ 377 ]

And an Army rais'd, by Consent of Parliament, for the Service of Pope Urban, under the Command of the Bishop of Norwich.

A Noble Historian writes, That the Affair was warmly debated in Parliament, whether it was safe to hazard so considerable a Strength of the Kingdom in such an impertinent Quarrel, and under the Conduct of a rash unexperienced Priest? Those that were for it, besides the Interest of Religion, urged Reasons of State; *That now was the Time for the King to recover his Right in France, and weaken the French King, whilst he lay under Pope Urban's Curse for siding with Clement, during which he could expect no Success on his Arms.* Thus, for some Time, it was doubtful which Way the Parliament would incline<sup>r</sup>; but, at last, upon hearing that *Antiphona* sung, at *High Mass*, *Ecce Crucem Domini, fugite Partes adversæ*, 'Behold the Cross of the Lord, fly ye Adversaries,' they were, as with a Charm, brought over to decree in Favour of the Expedition<sup>s</sup>. But though the Bishop passed over with his Army, and had some considerable Success at first, yet, in the End, as may be seen in our general Historians, this Pontifical War concluded with no great Honour either to the Prelate the Leader of it, or to the Nation<sup>t</sup>.

Before the Bishop's Return from this extraordinary Crusade, Writs had been sent out to call a new Parliament to meet on the *Monday* next before the Feast of *All Saints*, 1384. The Cause of Summons was in some Measure expressed in the Writs<sup>u</sup>, 'That, by Advice and Assent of the Council, a Parliament was called for their Mediation and Assistance in a Treaty of Peace then in Agitation between the King, his Kingdom, and Subjects, on the one Part; and Robert King of Scotland,

his

<sup>r</sup> The determining which of the two Popes had the better Claim to St. Peter's Chair, and consequently the ascertaining the Center of Infalibility, seems at this Time also to have depended on a Vote of the *English* Parliament

<sup>s</sup> *The Life and Reign of Richard II. by a Person of Quality*, p. 65.

A List of the Principal Warriors, who engaged with the Bishop in this Holy Cause, may be seen in *Hollingshead's Chron.* p. 441, 442.

This Bishop had given Proof of his Courage in the last Rebellion, by attacking, in Person, the Rebels in *Norfolk*, and utterly suppressing them. *Speed's Chron.* p. 596.

<sup>t</sup> Mr. Tyrrel, who has hitherto traced Dr. Brady very closely in all his Parliamentary Proceedings, has wholly, without assigning any Reason, omitted the two last Parliaments. It is not easy to account for this, unless some Expressions, on the Side of the Prerogative, gave Offence.

<sup>u</sup> See the Names of the Peers summoned to this Parliament in the *Abridg.* p. 289.

his Lands, Dominions, and Subjects, on the other; K. Richard II.  
 and for other difficult and urgent Business, which concerned the King, the State and Defence of the Realm, [ 378 ]  
 and the *English Church*.'

At the Meeting, the famous Sir *Michael de la Pole*, Anno Regni 71  
 then Lord-Chancellor of *England*, opened the Session by 1384.  
 a Speech, excusing, first, his own Unworthiness to the At Westminster.  
 Place he possessed, and declaring that he was forced to  
 accept of it; after which he acquainted the Houses w,  
 That the Truce which had been concluded with the  
 Scots was to end at *Candlemas* next; that the Duke  
 of *Lancaster*, who had been sent to renew it, was re-  
 turned, and had brought back Word that the Scots  
 would send Commissioners to *London* to manage the  
 Treaty. A second Cause was to provide, as well as  
 they could, against three powerful Enemies, *Spain*,  
*France*, and *Flanders*. And here he offered several Rea-  
 sons to prove that it was better for us to begin and make  
 War upon them, than they upon us, or suffer them to  
 invade us.' And further observed, 'That these Wars  
 were not to be imputed to the King, for they had de-  
 scended to him with the Crown. He desired that Care  
 might be taken for the Maintenance of good Laws, and  
 Security of the Peace. And, lastly, put the Commons  
 in Mind of an Aid to support these great Charges.'

The Chancellor then addressed himself, particularly,  
 to the Lords, and told them, 'That the King com-  
 manded them to have a due Consideration of the neces-  
 sary Matters that had been declared to them; the ap-  
 parent and insupportable Mischiefs that threatened all,  
 and the great Necessity the King had for Money to  
 prevent them. That they should treat diligently of  
 these Things, by themselves, with as much Speed as  
 might be; and, laying aside all Animosities, they were  
 to report their Advice, from Time to Time, to the King.'  
 And added, 'That his Majesty commanded them to  
 sit from Day to Day, to dispatch what they came  
 for, and not to depart from Parliament without his  
 special Licence, under the Penalty that might en-  
 sue.'

C c 2

Here-

w This whole Speech deserves translating, for the Rarity and Singularity  
 of it, but that it is much too long for our Purpose.

K. Richard II.

[ 379 ]

Hereupon the Lords and Commons took into Consideration the extraordinary Charge the King was to be at, by reason of the War then open on every Side, and granted two Half-Fifteenths with Tonnage and Poundage as before, upon Condition that the Clergy would contribute and grant what became them; which they did accordingly.

Two Noblemen, the Earls of *Northumberland* and *Devonshire*, proposed to the King to be his Admirals, and to keep the North and Western Seas in Security, so that they might be allowed the Monies arising from the Grant of Tonnage and Poundage for that Purpose; but not otherwise <sup>x</sup>.

The Bishop of  
*Norwich* fined  
for his Military  
Misconduct;

In this Parliament the Bishop of *Norwich* was accused by the Commons, and several Articles were exhibited against him, for his Miscarriages in the late Expedition. The greatest of which was, that he had promised to serve the King with a certain Number of Men for a whole Year, and served but half a Year, and then returned with his Army quite broken. This Article he could not clear himself of, and therefore was adjudged to make Fine and Ransom at the King's Pleasure, and the Temporalities of his Bishoprick to be seized for that Purpose; and thus ended this Piece of Ecclesiastical Knight-Errantry <sup>y</sup>.

As also several  
of his Officers.

Sir *William Ellinsham*, Sir *Thomas Trivet*, Sir *Henry de Ferrers*, and Sir *William Harrendon*, were all likewise accused before this Parliament, for receiving Money for the Delivery of several Fortresses to the *French*; the Sums in the whole, amounting to 20,000 *Franks* in Gold. They all made trifling Excuses against the Charge, and craved the King's Mercy; so the Chancellor pronounced Sentence, 'That they should refund ' what they had received to the King, and remain in ' Prison

<sup>x</sup> *Walsingham* writes, That in this Parliament the Nobility and Gentry of the Northern Counties requested that some Part of the Subsidies granted to the Crown might be assigned to them, because the Guard of the Country against the *Scots* was put upon them. But they were answered, That they were sufficiently rewarded for that Service already; that by their Tenures they were bound to secure the Marches, and had their Estates granted them chiefly on that Condition. *Walsingham*, p. 307; *Collier's Eccles. Hist.* Vol. I. p. 582.

<sup>y</sup> The Name of this warlike Bishop of *Norwich* was *Henry le Spenser*. For the Bishop's Accusation by the Chancellor, and his Answers to them, see the *Abridgement*, p. 192.

‘Prison till they made Fine and Ransom to him at his R. Richard II.  
‘Pleasure.’

In Reference to the *Scots* Affairs, at this Time mentioned by the Chancellor, it is proper to take Notice, that though it was promised the Duke of *Lancaster*, in *Scotland*, that they would send Commissioners to *London* to treat about a Peace, yet none came for that Purpose; but, on the contrary, the *English* Government was informed that the *Scots* had made several Inroads into the Borders, and had actually received a considerable Reinforcement from *France* for greater Enterprizes. On which Intelligence the King and Council thought fit to make Preparation for War on their Side; which the *Scots* hearing of, sent their Commissioners at last, but their Offers were now rejected, and they returned home again *Rè infecta*.

[ 380 ]

The War being again begun by the two Nations, Anno Regni 7.  
another Parliament, says Dr. Brady, (but Mr. Tyrrel 1385.  
will have it only a great Council of the Nobility) met at At Salisbury.  
*Salisbury*, April 29, 1385, but which was still in the 7th Year of this King. We know not on what Account the latter calls it a Council, for if he had consulted the Records, he would have found sufficient Reason to have called it a Parliament<sup>2</sup>: For there we are told, That, on *Thursday* the 29th of *April*, the King in Person, with all the Bishops and Lords, except such as were again with the Duke of *Lancaster* in *Scotland*, and all the Commons, met in the Great Hall of the Bishop’s Palace in *Salisbury*, which was richly adorned and set off upon the Occasion. Then Sir *Michael de la Pole*, Lord-Chancellor, by the King’s Command, declared the Cause of the Summons to be,

*First*, ‘For the Maintenance of the Church’s Liberties, ‘the Preservation of the Laws and the Peace.’ *Next*, he told them; ‘That there had been a Treaty of Peace ‘transacted between *England* and *France*, of which, ‘at a proper Opportunity, he should shew them the ‘Articles; which, although the King might have concluded without acquainting them, yet he rather chose ‘to do it with their Knowledge and Consent.’ He added, ‘That if the Peace was to take Effect, yet it

C c 3

<sup>2</sup> Rot. Parl. 7 Rich. II. here again called *Pars secunda*; we suppose it is so for being two Parliaments in one Year,



K. Richard II. ' could not well be ratified without a Meeting of both the  
 ' Princes; which, for their own Sovereign's Honour,  
 ' required no small Charge. Besides, the King had  
 ' been at great Expence in defending the Nation against  
 [ 381 ] ' the Scots, in securing the Sea-Ports beyond Sea, and  
 ' the Safety of *Guienne* and *Ireland*; and how all this  
 ' was to be borne, he charged them, on their Allegiance,  
 ' to consult and give their Answer.'

The Triers of Petitions being settled, ' as usual, the  
 Commons came before the King in Parliament, and  
 requested that certain Lords, there named, might be  
 granted to them for Conference: Hereupon the Duke  
 of *Lancaster*, with other Peers just then coming into  
 Parliament, they besought the King that the said Duke,  
 and his Brothers of *Cambridge* and *Buckingham*, might  
 be of the Number; which was granted.

A Subsidy grant-  
 ed against Scot-  
 land and France.

After which the Lords and Commons gave the King  
 a Moiety of a Tenth and of a Fifteenth; providing fur-  
 ther, that if the Wars with *Scotland* and *France* did con-  
 tinue, then the King should have the other Moiety of a  
 Fifteenth, so that the Clergy should tax themselves  
 accordingly; and, if a Peace was made, then the last  
 Moiety should cease.

The Commons, in their Answer to the Articles of  
 Peace, said, ' That it did not beseem them to give Ad-  
 ' vice therein; and therefore referred the whole Order-  
 ' ing thereof to the King and his Council.' But, being  
 urged to say whether they desired Peace or War, for  
 one of them must be chosen; they answered, ' An ho-  
 ' nourable Peace for the King; but, because there were  
 ' contained in the Articles many Terms of the Civil  
 ' Law which they did not understand, and that it was  
 ' stipulated in them that the King should hold *Guienne*  
 ' of the *French* by Homage and Service, they knew not  
 ' how to advise; only they hoped that the King intended  
 ' not to give up *Calais* and other Territories, gained  
 ' from the *French* by the Sword.' To this it was said,  
 ' That Peace could not otherwise be had, and therefore  
 ' again pressed them to declare for Peace or War.' At  
 last the Commons answered, ' That, if they were in the  
 ' King's Place, they should much rather chuse Peace<sup>1</sup>.

In

<sup>1</sup> *Sils feussent en l'Etat du Roi, ils s'accorderoient a la Paix plus tost que  
 la Guerre. Rot. Parl. 7 Ricb. II. Pars secunda, N<sup>o</sup>. 18.*

In this Parliament it also was that a *Carmelite* Friar <sup>m</sup>, K. *Richard II.* and Batchelor of Divinity, appeared, according to *Walsingham*, and charged the Duke of *Lancaster* with a Design to kill the King and usurp the Kingdom. The Duke desired that the Friar might be secured untill he made good the Accusation against him. Hereupon the Man was confined; but, the Night before he was to appear again to justify what he had said, he was barbarously murdered in Prison. The Duke had Interest enough at Court to get the Matter in some Sort made up; and the Friar's Body, the next Morning, was dragg'd thro' the Streets at a Horse's Tail, like a Traitor's, and as a *Felo de se*, to take off all Suspicion of a Murder <sup>n</sup>.

[ 382 ]

Whether the King was satisfied with the Duke's Innocency, or not, does not greatly appear; but it is certain that, not long after, the King and Council had a Design to have arraigned the Duke, on several Articles of Treason, at the King's-Bench Bar, before Sir *Robert Tresilian*, the Lord Chief Justice, whereas he ought to have been tried by his Peers: But the Duke, being aware of it, retired to his Castle of *Pontfretre*, victualled and manned it, and stood upon his Guard; on which the Design was frustrated: But the Reader may observe that some flagrant Jealousies were then between the Nephew and Uncle; which ceased not during this Reign, but broke out to some Purpose at the End of it, by a Son of this Duke of *Lancaster*.

But notwithstanding what *Walsingham* has asserted of the Story above, and as he was living near this Time we may the more readily credit it, yet there is not one Word of it entered on the Rolls; and it is no Wonder, since, as the Duke had Interest enough to stifle a Murder, he surely could prevent any Part of the Accusation appearing upon Record.

But it was not so with the then Lord-Chancellor of *England*, Sir *Michael de la Pole*; a long Account of an Accusation against him being entered in the Proceedings of this Parliament. The short of the Matter is this; one

*John*

<sup>m</sup> Named *John Latimer*. *Stowe*, 297.

<sup>n</sup> The Manner how this Murder was acted was so barbarous as is almost beyond Belief. *Stowe*, 297. *Hollingshead's Chron.* 445. But all from *Walsingham*, *sub hoc Anno*.

K. Richard II. *John Cavendish* of London, Fishmonger, having a Suit in Chancery, and being desirous, we suppose, to gain his Cause the nearest Way, talked to one of the Chancellor's Chief Clerks, *John Otere*, about it; who, upon a Promissory Note of 40*l.* to his Master, and 4*l.* to himself, engaged to get his Business done for him. But the Fishmonger waiting a long Time after paying the Money, and finding no End of his Cause, grew uneasy, and, at last, actually accused the Lord-Chancellor for taking Bribes, in open Parliament. The Chancellor denied the Charge, and, in a long Defence, shew'd the Improbability of it, and took a solemn Oath before the Lords, that he was wholly innocent of the Matter. At last it came out the Clerk was only to blame; who had practised on the Fishmonger, and kept the Money to his own Use. The Lords, being busy about much greater Affairs, referred the Punishment of it to the Judges; who, after Trial, fined the poor Fishmonger 1000 Marks, and to lye in Prison till he paid it, for slandering so great an Officer of the King; but what became of the Clerk we know not<sup>o</sup>.

Anno. Regni 8. In the same Year as the last, 1385, but in the 8th  
1385. of this King, another Parliament was called to meet at  
At Westminster. Westminster on the Morrow after St. *Martin*, or the 12th  
of November; when, in the Presence of the King, the Lords sitting, and the Knights and Burgesses standing, the same Lord-Chancellor, as before, put them in Mind  
‘ of the King’s great Care of the Church, Commons,  
‘ and Laws of *England* ;’ and further told them, ‘ That  
‘ the Nation was still environed with Enemies, the  
‘ *French, Spaniards, Scots, and Flemings* <sup>p</sup>; and that  
‘ the chief Cause for calling this Parliament was to  
‘ provide for the Safety and Defence of the Kingdom;  
‘ and to consider how this Provision might best and most  
‘ speedily be raised, so that the poor People might be  
‘ least

<sup>o</sup> This Sentence is not on the Rolls, but is annex’d to them by a Schedule, put there, no doubt, by the Chancellor’s Order. See *Abridgement*, p. 300.

<sup>p</sup> The Opening of this Parliament and the Chancellor’s Speech is turned into *Latin*, which we have not before met with. In speaking of the Kingdom’s different Enemies, he says, *Gallicis vero Populi multitudine; Hispanis qui Galeis; ac Flandrensibus qui grossi novibus vehementer abundant; ac Scotis qui Regnum Angliæ securo Pede intrare poterunt, &c.* Rot. Parl. 9 Rich. II, No. 2.

‘least burdened by it.’ He acquainted them, ‘That K. Richard II.  
 ‘the King would go in Person, for the Defence of the  
 ‘Kingdom, against any Enemy, by the Advice and  
 ‘Consent of Parliament.’ He then took Occasion to tell  
 them ‘of the base Treachery and Falshood of the  
 ‘*French*; who, in the last Treaty of Peace at *Calais*,  
 ‘had gone from their own Offers; which, he added,  
 ‘was a good Cause of Assurance to the *English*, in so  
 ‘just a Quarrel, to look for Victory.’ The Chancellor  
 concluded with observing to them, ‘That four Ways,  
 ‘or Means, would greatly further and speed this Con-  
 ‘sultation; 1<sup>st</sup>, To be early in the House; next, To  
 ‘repell all envious Passions; 3<sup>dly</sup>, To begin always on  
 ‘the most needful Inquiries, and to direct them without  
 ‘Mixture of any others; and, lastly, To avoid all main-  
 ‘taining.’

[ 383 ]

These Things being maturely considered, the Lords  
 and Commons granted the King, for the Defence of the  
 Realm, the Safeguard of the Sea, and Marches of *Scot-*  
*land*, and for that the King intends to go in Person against  
 his and their Enemies, this being his first Voyage, two  
 Fifteenths; one to be paid at *Lady-Day* next coming,  
 and the other at *Midsummer*, upon Condition that the  
 last Half-Fifteenth, granted at *Salisbury*, should not be  
 paid; and in Case the King did not go in Person against  
 his Enemies, or that a Peace or Truce should be made  
 with them, then the latter of these two Fifteenths should  
 not be levied.

A farther Sup-  
 ply for the same  
 Purpose.

In this Parliament the famous Lady, who was the  
 supposed Concubine of the late old King, *Alice Perriers*,  
 or *Pierce*, but now the Wife of Sir *William Windsor*,  
 petitioned to have the Sentence and Ordinance made  
 against her in the 50th Year of *Edward III.* and the  
 Judgment and Statute made in Pursuance thereof in the  
 first of this King, to be repealed, and that she might be  
 restored to all her Lands and Tenements. This was  
 granted by Assent of the Lords and Commons, so as the  
 Gifts and Grants, already made by the King, of any  
 of

The Sentence  
 formerly passed  
 against *Alice*  
*Pierce* reversed.

¶ *Barnes* bestows near a whole Page, in his *Life of Edward III.* in Vin-  
 dication of this Lady's Honour. He allows her Ladyship to have been a  
 very great Favourite, but not a Concubine; which, from the great Age  
 and Infirmities of the King, may reasonably be granted. Old King *David*  
 had a young Damsel lay in his Bosom.



K. Richard II. of her Lands, Tenements, and Houses, might remain in Force.

[ 384 ]

Notwithstanding the Subsidies granted for carrying on the Wars, we do not find that any Martial Exploits worth Notice were performed this Year, the King not going abroad as was declared in Parliament: And even in the War between *England* and *Scotland*, there were only on each Side Invasions, with burning and plundering each other's neighbouring Countries.

The King  
marches into  
*Scotland*.

However, the next Year produced more Action, and a formidable Army was raised here, which the King was to march at the Head of; in the mean Time the Duke of *Lancaster* was sent before with a good Force to secure the Borders. About the Beginning of *August* the King enter'd *Scotland*, but to little Purpose; for either he could not find the *Scots* at all, or at least could not follow them; for they had retired into the Woods, Bogs, and Fastnesses in the Highlands, and had driven up their best Cattle, &c. with them. The King finding the Country abandoned, contented himself with burning the City of *Edinburgh*, with several other Towns, and destroying their Country. But it is possible the *Scots* Nation would have received a much severer Blow from the *English* Arms at that Time, had not the Jealousy between the King and his Uncle *Lancaster* prevented the former from following any Advice the other could give him.

But what brought the *English* Army sooner home, was, in order to defend their own Territories from an Invasion, which was more than threaten'd from *France*; for the *French* King had actually provided a mighty Fleet and a Land Army, which were ready at *Shuys*, in *Flanders*, and had certainly made the Attempt whilst *Richard* was absent, if some unforeseen Accidents, relating to the *Flemish* Wars, had not prevented it<sup>r</sup>. Hereby a Stop was put to the Naval Expedition for this Year; and, though he re-assumed it the next, it was with no better Success than the former.

At

<sup>r</sup> *Froisart*, who lived at that Time, says, That the *French* King's Navy consisted of 1287 Ships; and adds that, since God created the World, there were never seen so many great Ships together. The Army this Fleet was to carry over, consisted of 16 Dukes, 26 Earls, 200 Lords, 3600 Knights, and 100,000 fighting Men. *Froisart*, cap. 53. Book ii.

*Stowe's Chron.* p. 300.

At the King's Return from *Scotland* a Parliament was K. *Richard II.*  
called to meet on *Friday* after *St. Luke's Day*, or about  
the 20th of *October*, in the ninth Year of this King's  
Reign, and there never was a greater Occasion for a  
Parliament to be called. On the Day of their Meeting  
Sir *Michael de la Pole*, then Earl of *Suffolk*, and still  
Chancellor of *England*, opened the Session, in the Pre-  
sence of the King and the other Estates, to this Purport:  
[ 385 ]  
Anno Regni 9  
1386.  
At Westminster,  
‘ That the Nation, being assaulted on every Side by most  
‘ mortal Enemies, it was their Business to consider how  
‘ it might best be defended and preserved. The good  
‘ Government and Defence of the Realm, he said, might  
‘ be effected four several Ways; of which two were  
‘ foreign, and the other two domestic. The home Af-  
‘ fairs were concerning the Staple and the current Coin  
‘ of the Kingdom. The other were, how they might  
‘ best defend themselves, and how the War was to be  
‘ best supported and maintained. For the Staple, he  
‘ thought it best that the same should be planted within  
‘ the Realm; since it was evident that the Burgesses of  
‘ *Calais*, and other Towns abroad, were grown very  
‘ rich thereby, whilst several good Towns within the  
‘ Kingdom were very much decayed, by which the  
‘ common Profit was abated: For he affirmed that the  
‘ Subsidy on Woolls yielded more to the King, when  
‘ the Staple was kept in *England*, by 1000 Marks yearly,  
‘ than it had done when held abroad. As to the Coin,  
‘ he said, That, considering how good it was, all Na-  
‘ tions were greedy of it, and conveyed much over; he  
‘ advised it, as the best Way, to raise the Value. That  
‘ the Nation might be best defended by pursuing the  
‘ Enemy with a vigorous War; and, for many Reasons,  
‘ he told them, That it was better to seek than to be  
‘ sought after; wherefore, of Necessity, a Subsidy was  
‘ to be granted, such as might be equal to the Occasions  
‘ of the Government.

It must be allowed that this Chancellor has spoke  
more like a Statesman, ever since we had Occasion to  
mention him, than most of his Predecessors. This Sir  
*Michael de la Pole* was the Son of a Merchant, and bred  
to the Business; and, tho’ afterwards raised to be Prime  
Minister, yet he seems, by his Education, to have learn’d  
the true Interest of the Kingdom: But, being envied in  
it

K. Richard II. it by the old Nobility, though he arrived this Parliament at the Height of his Ambition, yet he fell in the next, and is one terrible Example, amongst many more, of such slippery Stations.

[ 386 ]

A Subsidy to carry on the War.

However, upon the Chancellor's Motion, the Lords, Great Men, and Representatives of Counties, Cities, and Burghs\*, granted to the King, for the Voyage of *John* King of *Castile* and *Leon* and Duke of *Lancaster*, into *Spain*, for the Safe-keeping of the Sea and Marches of *Scotland*, a full Tenth and a Fifteenth, and half a Tenth and Fifteenth, the former to be paid at *Candlemas*, and the latter at *Midsummer* next. There were appointed particular Treasurers, by Parliament, for the Receipt of this Subsidy, with Supervisors to see it laid out; and this Voyage into *Spain* was declared to be ' by the Agreement and Consent of the King, Prelates, Noblemen, and Commons, in full Parliament assembled '.

It was ordained also, at the same Time, That the Subsidy on Wooll and Leather, granted by the last Parliament to the Feast of *St. John Baptist* next coming, should then cease till the Feast of *St. Peter ad Vincula* following: And that, at the said Feast, a new Subsidy, granted by this Parliament, should take Place; that is to say, of every Sack of Wooll, above the old Custom, 42s. 4d. of Natives, and 46s. 8d. of Aliens, and of Wooll-fells and Leather, according to the same Rate.

Debate between the Clergy and Laity concerning the Supply.

The anonymous Author of the King's Life mentions a Dispute which happen'd between the Clergy and Laity in this Parliament; it seems the latter granted the King the Subsidies above, on Condition that the other should give a Tenth and a Half. This Way of articulating the Clergy resented, and protested that the Laity should not charge them; nay, the Archbishop of *Canterbury* [*Courtney*] was so hot as to say, *That he would venture his Head in this Cause, rather than the Holy Church of England should thus truckle*: Whereupon the Commons and many Temporal Lords began to bid Battle to the Clergy's Temporalities; saying, ' That they were grown ' to that Excess of Pride, that it would be a Work of ' Piety

\* Memorandum, Quod Domini, Magnates, et Comunitates Comitatum, Civitatum, et Burgorum concesserunt Domino Regi, &c. Rot. Parl. 9. R. II. No. 10.

t Knyghton says, That the King, Consensu Parliamenti, in Aid of this Expedition, gave 40,000 Marks out of his own Treasury. Col. 2676.

‘Piety and Charity to clip their Wings, and reduce them to an Humility suitable to their Profession.’ The Clergy at this were not a little alarmed, and, to prevent the worst, made a voluntary Grant of a Tenth, by which the Dispute ceased<sup>u</sup>. Thus far our Noble Historian; but *J. Stowe* tells us another Story. He writes, That the Knights and Commons were so sure of carrying their Point against the Clergy, that they were for dividing the Temporalities of all the rich Abbies amongst them. *Walsingham* says, That he himself heard one of the Knights swear deeply, That he would have a thousand Marks a Year out of the Monastery of *St. Alban’s*. And, adds he, the King, upon hearing the inordinate Demands of one Side, and the just Defence of the other, threw out the Bill; saying, ‘That he was resolved to leave the Church in as good an Estate, or better, than he found it.’ After this, the Clergy made a free Gift of a Tenth to his Majesty, for which, he said, he was more obliged to them than for any Thing given by Compulsion<sup>w</sup>.

[ 387 ]

In the last Expedition into *Scotland* the King had created some new Dignities, which, according to the Custom of those Times, were used to be confirm’d and the Patents enrolled in Parliament. *Edmund* Earl of *Cambridge*, the King’s Uncle, was confirmed Duke of *York*, and had a Pension of 1000 *l.* a Year assigned him and his Heirs Male out of the Exchequer to support his Dignity, untill the King could settle Lands upon him of like Value. *Thomas* Earl of *Buckingham* and *Essex*, the King’s other Uncle, having been created Duke of *Gloucester*, was confirmed in it, and had a like Pension and Assignment made him as his eldest Brother<sup>x</sup>. Also *Michael de la Pole*, made Earl of *Suffolk*, had some lesser Grants passed to him<sup>y</sup>. Lastly, *Robert de Vere*, Earl of *Oxford*, the

Grants and Pro-  
motions.

<sup>u</sup> *The Life of Richard II. by a Person of Quality.*

<sup>w</sup> *Knyghton*, col. 2635. *Walsing.* 120. *Stowe’s Chron.* 299. *Speed’s Chron.* 600. *Sam. Daniel in Kennet*, p. 254.

<sup>x</sup> The Preamble to both these Patents [in *Latin*] are in the same Words, but very elegant for those Times.

<sup>y</sup> He had a Grant of 20 *l.* a Year out of the Farm of that County, and 500 *l.* a Year out of the Estate of the former Earl, which had escheated to the King for want of Heirs, after the Decease of the Queen and *Isabel Ufford*, Countess of *Suffolk*. *Brady*, p. 363. *Tyrel*, by Mistake of a Cypher, makes this last Grant but 50 *l.* with several other Manors and Lordships. *Rot. Parl.* 9 *Rich. II.* N<sup>o</sup>. 16.



K. Richard II. the King's Favourite, was now, by an unusual Title, created Marquis of *Dublin*; and was confirmed in that Title, together with all the Revenues of *Ireland*, &c. except some Royalties reserved to the Crown, and paying 5000 Marks yearly into the Exchequer.

[ 388 ] It was now, also, that *Roger Mortimer*, Earl of *March*, was declared, in Parliament, *Presumptive Heir to the Crown*, in Case that *Richard* died without Issue. This Earl was the Son of *Philippa*, only Daughter to *Lionel Duke of Clarence*, third Son to *Edward III.*, the second, *William of Hatfield*, dying young. The Descendants of this Earl claimed the Crown afterwards, under the Title of the House of *York*; which occasioned much Mischief and Bloodshed throughout the whole Kingdom.

In this Parliament the Commons petitioned the King, 'That the State of his Household might be looked into and examined every Year, by the Chancellor, Treasurer, and Clerk of the Privy-Seal, and what was amiss to be mended at their Discretion. And also that the antient Statutes made concerning the Household might be kept, and duly executed in all their Points.'

To the first Article of the Petition the Answer was, *The King will order it when he pleaseth*. To the second, *Le Roy le voet*, or the King consenteth.

The Commons desired to know, *Who should be the King's chief Officers and Governors of the State of the Kingdom?* The Answer was, *The King hath Officers sufficient at present, and will change them at his Pleasure*.

It was also enacted, in this Parliament, That all Lords and other Persons who have Lands on the Marches beyond the River *Tyne*, should live upon them; saving, that the King may shew Favour to whom he pleaseth in that Matter. And, as the Chancellor directed, the Staple of Wooll, which was at *Calais*, was also ordered to be kept in *England*, in such Place as the King and his Council should think meet.

In this Parliament *Thomas Arundele*, then Bishop of *Ely*, applied to the King, to make Restitution of the Temporalities to *Henry Spenser*, Bishop of *Norwich*, which had been seized into the King's Hands in the last Parliament.

This

y *Fabian's Chron.* Fol. CXLIV. *Hollinghead's Chron.* p. 448. *Pol. Vergil*, Lib. xx. p. 411. *Rapin*, Fol. Ed. p. 462. But, after all these Authorities, this Declaration is not entered on the Rolls of this Parliament.

This was warmly opposed by the new Earl of *Suffolk*, K. *Richard II.* Lord-Chancellor, who rose up and spoke to the Bishop of *Ely* in this Manner, 'What is that, my Lord, that you ask of the King? Seems it to you a small Matter for him to part with that Bishop's Temporalities, when they yield to his Coffers above a Thousand Pounds a Year? Little Need hath the King of such Counsellors, or such Friends, as advise him to Acts so greatly to his Disadvantage.' To which the Bishop of *Ely* smartly replied, 'What says your Lordship, my Lord *Michael*? Know, that I ask not from the King what is his own, but that which he, drawn thereunto by you, or such as you are, with-holds from other Men, upon none of the justest Titles, and which, as I think, will never do him any Good. As for yourself, if the King's Advantage be the Thing you drive at, why did you so greedily accept of a Thousand Marks a Year, at the Time he created you Earl of *Suffolk*?' The Chancellor, adds our Authority, was hit so home, by this round Retort, that he offered no further to cross the Restitution of the Bishop's Temporalities<sup>z</sup>. But, had it not been for the Subsidy granted by the Clergy this Parliament, which put the King into a good Humour, this Affair would not have been passed over so easily.

Debate concerning restoring the Bishop of Norwich's Temporalities.

[ 389 ]

The Duke of *Lancaster*'s Expedition into *Spain* now took Place, and he embarked with a very great Army, for the reducing the Kingdom of *Castile* and *Leon* to his Obedience. But tho' he gained some great Advantages at first; yet, in the End, his Army being very much diminished by Sicknefs and Mortality, he thought proper to clap up a Peace, by renouncing all his Pretensions to that Kingdom, for a large Sum of Money, and a yearly Annuity, to be paid him by *John*, the Son of *Henry* the *Bastard*, the present Possessor.

During this Expedition abroad, Affairs at home were in a ticklish Situation. The *French* King had not laid aside his intended Invasion of *England*; but, on the contrary, had made greater Preparations for it than ever<sup>z</sup>.

In

<sup>z</sup> *Speed's Chron.* p. 600. *E Lib. Monasterii de Melsa, et ex Record. apud Gul. Camden, in Yorkshire. Sam. Daniel in Kennet, p. 254.*

<sup>a</sup> See an Account of this second Armament, at *Sluys*, for the Invasion, in *Froisart*, cap. lviii. lix. lx. This Author writes that it was thought by some, that all this mighty Preparation was only to fright the *English*, and draw the Duke of *Lancaster* back from *Spain*.

**K. Ricbard II.** In order to stem this Tide, and prepare to stand the Shock, the Lord-Chancellor *De la Pole* sent for great Part of the Militia of the whole Kingdom, to the Number of 200,000 Men, up to *London*, where they were quartered in the neighbouring Villages; and one Author writes<sup>1</sup>, That, besides the City and Suburbs, all the Towns within twenty Miles of *London* were filled with arm'd Men; but, having no Pay, they did as much Mischief to the Inhabitants as an Enemy.

[ 390 ]

**Anno Regni 10.** In the Midst of these Dangers and Confusions, a Par-  
**1386.** liament was called, by Writs dated *August 8*, to meet  
**At Westminster.** at *Westminster* on the first of *October* following. And, tho' the Nation was so much threatened from abroad, yet we may reasonably suppose it was little regarded, since there never yet was a Time, in this King's Reign, when Dissentions between him and his Parliament ran higher. It appears, however, by the Records, that the Session was opened, as usual, by a Speech from the Earl of *Suffolk*, Lord-Chancellor; in which he told the Houses, ' That the principal Cause of calling them together, at that Time, was to acquaint them that at a Council, held at *Oxford*, it had been determined that the King should pass the Seas, in Person, with an Army Royal; which Resolution the King still held, and they were to debate in what Manner and how it was to be done. He said there were four Causes that moved the King to this Expedition; the first was, That he might, at less Expence, attack his Enemy abroad, than stay and defend them at home. The second was, to take off a Reproach blazed abroad, that he durst not go over in Person<sup>m</sup>. The next was, to gain his Right to the Crown of *France*; by which he should acquire both Renown and Honour. And, lastly, since the *French* were daily threatening an Invasion, he desired them to consult about it, as well as the Maintenance of the Laws and Preservation of the Peace.'

**Differences between the King and his Parliament.** The Triers of Petitions being appointed, the very next Thing the Commons went upon was the Impeachment of the Earl of *Suffolk*; which, by the Records, seems

<sup>1</sup> *Sam. Daniel*, p. 255.

<sup>m</sup> *Que le Roy ne vorroit travailler en propre Personne.* Rot. Parl. 10 Ricb. II. No. 1.

seems to have gone on peaceably enough : But *Henry K. Richard II. Knyghton*, a Contemporary Historian, and one who must be credited in these Matters, has been very particular in his Account of the Transactions of this Parliament, and gives a different Relation of it. *Mr. Tyrrel*, because this Author's Story bears hard upon the Prerogative, has translated every Tittle of it, and falls foul upon *Dr. Brady* [ 391 ] for mangling and abridging it.

In the Record it is entered, That the Commons, with one Accord, and in one Body<sup>n</sup>, came before the King, Prelates, and Lords, in the Parliament-Chamber, complaining grievously against *Michael de la Pole*, Earl of *Suffolk*, late Chancellor of *England*, then present, and, by Word of Mouth, accused him in Manner following :

*First*, ' That he the said Earl, &c.'

Next follow the Articles of Impeachment, in Number seven ; which, with the Earl's Answers to them, and the Commons' Replications, methodically, extend to a great Length on the Rolls, and are much fitter for the Collection of State Trials than a Work of this Nature. We shall therefore content ourselves, and we hope our Readers also, with giving the Sense of the Contemporary Historians, &c. on this Trial, wherein the aforesaid Articles, and the Judgment given upon them, will also occur in the Relation.

To do Justice to all, it is very proper to begin with the eldest Historian<sup>o</sup>, who tells us, That, at the Opening of the Session, the King appeared in Person as usual ; but when he found that the Commons were resolved upon impeaching Sir *Michael de la Pole*, Earl of *Suffolk*, and Lord-Chancellor, for divers Crimes and Misdemeanors, his Majesty retired, lest he might seem to countenance their Proceedings. The King went to *Eltham*, where he trifled away his Time : Hereupon both Houses, with joint Consent, thought proper to send this Message to him, ' That the Chancellor and Treasurer ought to be removed from their Offices, because those Men were not for the Advantage of himself and Kingdom. Adding, that they had Matters to treat of, relating to the Lord *Michael de la Pole*, which could

They require that the Lord-Chancellor and Treasurer be removed,

VOL. I. D d not

\* D'une Accord et unement assemblez. Record.

\* *Henry Knyghton*, inter *Decem Script*, vol. 268o.



K. Richard II. 'not be safely done whilst he remained in the Office of  
'Chancellor.'

Which the King  
highly resents,  
and retires from  
Court.

The King was greatly incensed at this Message, and commanded them, *Not to make Mention of any such Thing for the future; but forthwith proceed to the Business for which they were summoned, and hasten to a Conclusion; and rashly added, That he would not for them, or at their Instance, remove the meanest Scullion in his Kitchen<sup>p</sup>.*

The Parliament  
resolve to do no  
Business till the  
King returns.

What raised the Resentment of the Commons more against the Chancellor, was, that in this Parliament he, in the King's Name, had demanded of them four Fifteenths, to be paid in one Year, and as many Tenths from the Clergy<sup>q</sup>. Alledging, that the King was so much in Debt that less would not discharge it; besides the Expences of the Wars, his Household and other Exigencies. Without regarding this at all, the Lords and Commons returned their joint Answer to the King, That they neither could, nor, by any Means, would proceed in any Business of Parliament, or dispatch so much as the least Article of it, till the King should come and shew himself in Person amongst them, and remove the said *Michael de la Pole* from his Office.

[ 392 ]

To this high Demand, the King returned for Answer, *That they should order forty Knights, of the wisest and most substantial of the Commons, to come to him and declare the Opinion of all the rest.* But this Message alarmed them still more, every Man doubting his own Safety; for a private Rumour had reached their Ears, that these forty Members were designed to be massacred: For, adds our Authority, who perhaps may be suspected of going too far in this Matter, it was told them, and it appeared afterwards to be true, that as these forty were to go to the King, a large Party of armed Men should set upon and murder them: Or else that, being invited to a Feast, some armed Russians should destroy them: Or, yet another Way, that they should be murdered, all in an Instant, in their Lodgings in London. This last bloody Design, he says, was frustrated by *Richard de Exton*, then Mayor of London, who refused to give his

Con-

<sup>p</sup> — dicens, se nolle pro ipsis nec minimum Garcionem de Coquina suam movere ab Officio suo. *Knyghton*, inter *Decem Script.* col. 2680.

<sup>q</sup> This does not appear by the Record.

Consent to such a Piece of Villany ; by which it was de- K. Richard II.  
ferred, and this cursed Contrivance, by Degrees, brought  
to Light. Therefore the whole Parliament, by com-  
mon Consent, deputed the Lord *Thomas of Woodstock*,  
Duke of *Gloucester*, and *Thomas de Arundele*, Bishop of  
*Ely*, to go to the King, still at *Eltham*, and that they  
should, in the Behalf of the Lords and Commons, hum-  
bly salute him, and deliver the Sense of both Houses to  
him, to this Effect :

S I R,

‘ THE Prelates, Lords, and Commons, in Par- The Parlia-  
ment’s Remon-  
strance to the  
King.  
liament assembled, with most humble Submis-  
sion recommend themselves to your Royal Dignity ;  
wishing you successful in the Course of Honour, and  
invincible against the Power of your Enemies ; toge-  
ther with the most firm Bond of Peace and hearty  
Love towards your Subjects, as well for the Increase  
of your own Interest and Advantage, in respect of  
God, and the Salvation of your Soul, as for the un-  
speakable Comfort of all the People you govern, on  
whose Behalf we intimate these Things unto you :

[ 393 ]

‘ That we have it settled and confirmed in our antient  
Constitution, from a laudable and approved Custom,  
which none can gainsay, That the King ought to as-  
semble the Lords, Nobles, and Commons of the King-  
dom once a-year, unto his Parliament, as the highest  
Court of the Realm, in which all Equity ought to  
shine bright without any Spot, clear as the Sun ; and  
wherein as well Poor as Rich may find never-failing  
Shelter for their Refreshment, by restoring Tranquil-  
lity and Peace, and removing all Kind of Injuries ;  
where all public Grievances, or Errors, are to be re-  
dressed ; and wherein, with the most prudent Counsel,  
the State and good Government of the Kingdom is to  
be treated of ; and considering that the King and Na-  
tion’s Foes at home, and their Enemies abroad, may  
be discovered and repulsed, by such Means as most  
conveniently and honourably may be done ; and also,  
with wholesome Deliberation therein, to foresee and  
order how the necessary Burdens of the King and

D d. 2 King-

K. Richard II. ' Kingdom may with most Ease, the Public Wants  
 ' considered, be supplied: They conceive also, that,  
 ' since they are to support all public Charges incumbent,  
 ' they should have the Supervisal how, and by whom,  
 ' their Goods and Fortunes are to be expended: They  
 ' say, moreover, that this is their Privilege by antient  
 ' Constitution, *That if the King will wholly estrange*  
 ' *himself from his Parliament, (no Infirmary or necessary*  
 ' *Cause disabling him) but obstinately, by his ungovernable*  
 ' *Will, shall withdraw himself, and be absent from them*  
 ' *the Space of forty Days, not regarding the Vexation of*  
 ' *his People, nor their grievous Expences; that then, from*  
 ' *that Time, it shall be lawful for all and every of them,*  
 ' *without any Damage from the King, to go home and*  
 ' *return into their own Countries: And now you, for a*  
 ' longer Time, have absented yourself, and, for what  
 ' Cause they know not, have refused to come among  
 ' them.'

To this the King answered to this Effect:

The King's An-  
 swer.

[ 394 ]

NOW we do plainly discover that our People and the  
 Commons intend to resist, and are endeavouring to  
 make Insurrections against us; and, in such Case, nothing  
 seems better for us, than to call in our Cousin the King of  
 France, and from him to ask Advice and Aid, nay, even to  
 submit ourselves to him, rather than to truckle to our own  
 Subjects.

To which they replied,

S I R,

The Parlia-  
 ment's Reply,

THIS Council is not safe for you, but rather tends  
 to your inevitable Destruction; for the King of  
 France is your capital Enemy, and the greatest Ad-  
 versary to your Kingdom; and if he should once get  
 Footing on your Land, would sooner endeavour to  
 despoil you of it, to invade your Kingdom, and drive  
 you from your Throne, than in the least to lend you  
 his assisting Hand, if at any Time (which God forbid)  
 you should stand in Need thereof; rather therefore  
 recall to your Memory, how your Noble Grandfather,  
 King Edward III. and in like Manner your Father,  
 a Prince of the same Name and Renown, with great  
 Labour and Hazards, during their whole Lives, inde-  
 fatigably contended for the Conquest of that Kingdom,  
 ' which,

‘ which, by Hereditary Right, appertained to them, and *K. Ricbard II.*  
 ‘ after them to you, by Succession: You may also be  
 ‘ pleased to call to Mind, how many of the Nobles, what  
 ‘ innumerable Troops of the Commons of *England* lost  
 ‘ their Lives in that Quarrel: Remember also the in-  
 ‘ estimable Treasures the People of *England* freely parted  
 ‘ with, for the Maintenance of that War.

‘ And yet, what is more to be lamented, they have  
 ‘ in your Time sustained so many Taxes for the Support  
 ‘ of your Wars, as that now they are reduced to such  
 ‘ incredible Poverty, that they can neither pay their  
 ‘ Rents for their Livings, nor assist the King, nor afford  
 ‘ themselves even the Necessaries of Life: Thus the  
 ‘ Royal Power is impoverished, and an unhappy Con-  
 ‘ dition brought upon all the Great Men and Nobles  
 ‘ of the Kingdom, who, as well as the Commons, are  
 ‘ weakened and undone; for a King cannot be poor that  
 ‘ has a rich People, nor that King be rich, whose Sub-  
 ‘ jects are Beggars: Nor do these Ills redound alone to  
 ‘ you the King, but to all the Nobility and Great Men,  
 ‘ every one in his Rank and Degree. All this is brought  
 ‘ to pass by your evil Ministers, who have ill governed  
 ‘ both King and Kingdom to this Day; and unless we do  
 ‘ quickly set to our helping Hands, the Kingdom will, in  
 ‘ less Time than we think of, be miserably subverted.

[ 395 ]

‘ But there is yet one Part more of our Message  
 ‘ remaining, on the Behalf of your People, to be im-  
 ‘ parted to you, *That we have an antient Constitution,*  
 ‘ *and it was not many Ages since experimented, (it grieves*  
 ‘ *us that we must mention it) that if the King, through*  
 ‘ *any evil Counsel, or weak Obstinacy or Contempt of his*  
 ‘ *People, or out of a perverse and froward Wilfulness, or*  
 ‘ *by any other irregular Courses, shall alienate himself from*  
 ‘ *his People, and refuse to govern by the Laws and Statutes*  
 ‘ *of the Realm, according to the laudable Ordinances and*  
 ‘ *their faithful Advice, but will throw himself headlong*  
 ‘ *into wild Designs, and stubbornly exercise his own singu-*  
 ‘ *lar arbitrary Will, that, from that Time, it shall be law-*  
 ‘ *ful for his People, by their full and free Assent and Con-*  
 ‘ *sent, to depose that King from his Throne, and, in his*  
 ‘ *Steaid, to establish some other of the Royal Race upon the*  
 ‘ *same:* Therefore, that such a grievous and unhappy  
 ‘ *Revolution* may never spring up amongst your People;



K. Richard II.

‘ that they may never, through such lamentable Divisions, pleasing only to your Enemies, be by your evil Counsellors subverted; and that this Kingdom, so honourable, and, from your Father’s Days, hitherto most famous in War, may not now, in your Time, through the Distractions of evil Government, be miserably laid waste; and, that the Title of those Miseries may never be fixed as a scandalous Mark upon your Reign, recall we beseech you, your Royal Mind from such foolish and pernicious Counsels; and whosoever they are that suggest such Matters to you, do not only refuse to hearken to them, but totally remove them from your Presence; for, in a Time of Danger, it will be found, that they can noways prove effectual to serve you, when you stand most in Need of them.’

[ 396 ]

By these and other Speeches, says our Author, the King was brought to better Temper, and, laying aside his Passion, he promised that after three Days he would come to the Parliament, and, with mature Advice, willingly acquiesce in their Petitions: Accordingly the King came at the Time appointed; and, very soon after, *Thomas Arundele*, Bishop of *Ely*, by the Advice and Consent of Parliament, was made Chancellor in the room of *Michael de la Pole*, Earl of *Suffolk*; *John Gilbert*, Bishop of *Hereford*, was made Treasurer, instead of *John de Fordham*, Bishop of *Durham*; and *John de Waltham*, Keeper of the Privy Seal.

Which occasions  
great Alterations  
in the Ministry.

The Messages above-mentioned are so extraordinary in their Kind, that Dr. *Brady* supposes the old Canon of *Leicester* was the Author of them; as indeed, adds he, most Historians are of the Speeches and Orations found in them; for that they are in such Language as no Subjects ever used towards their Sovereign. Mr. *Tyrrel* objects to this, that the Historian here quoted is very seldom guilty of making set Speeches, however it may be said of other Writers; and leaves it to the Reader’s Judgment, whether this Author, who was alive at this very Time, and wrote his History in the Reign of the succeeding King, durst presume to forge a Speech of so dangerous a Consequence, when the same Bishop, translated to the See of *Canterbury*, was then in Being, and could easily have contradicted so notorious a Piece of Forgery.

Remarks on this  
Remonstrance.

Forgery. To speak impartially on this Matter; Mr. *K. Richard II.* *Tyrrel* has somewhat overshot himself in mentioning the Bishop and Historian as Contemporaries; because it may then with greater Probability be imagined the Bishop gave the latter the Speech, or the Substance of it, to insert in his History; since, as he says, *Knyghton* wrote in the succeeding Reign, after the same Principles, laid down in this Speech, had brought about a Revolution, in which this *Thomas Arundele*, then Archbishop of *Can-* *Sir Michael de la Pole. Earl of Suffolk, and Lord Chancellor, im-* *peached.* *terbury*, was one of the chief Movers. Besides, it is certain that our Parliamentary Records are intirely silent as to the Messages and Speeches which *Knyghton* hath given; as well as all other Historians, who do not quote from that Author. And if they were true, they must have happened between the Meeting of the Parliament and the bringing in of the Impeachment.—But to go on.

After the Removal of *Michael de la Pole* from the Chancellorship, he was impeached by the Commons of several high Crimes and Misdemeanors; the Articles against him are upon the Record<sup>s</sup>, as also in *Knyghton*<sup>1</sup>; but we give them from the latter as follow:

[ 397 ]

*The Impeachment or Articles exhibited by the Commons in full Parliament against Michael de la Pole, Earl of Suffolk, late Chancellor of England.*

I. **T**HAT the said Earl being Chancellor, and *The Articles against him,* sworn to act for the just Profit of the King, hath purchased of our Lord the King, Lands, Tenements, and Rents to a great Value, as appears by the Record-Rolls of the Chancery: And against his Oath, not regarding the great Necessity of the King and Realm, being Chancellor at the Time of such Purchase made, did cause the said Lands and Tenements to be extended at a much smaller Value than really they were worth by the Year, and thereby deceiv'd the King.

*And for that he purchased the said Lands when he was Chancellor, against his Oath, the King shall have the said Lands again intirely, and the said Earl shall make Fine and Ransom to the King, with all Profits received since the Purchase.*

II. Whereas nine Lords were assigned, by the last Parliament, to view and examine the State of the King

<sup>1</sup> Rot. Parl. 10 Ricb. II. No. 1, 6, &c.

<sup>2</sup> Col. 2684.

R. Richard II. ' King and Realm, and to deliver their Advice how  
 ' the same might be improved, amended, and put into  
 ' better Order and Governance, and thereupon such  
 ' Examination to be delivered to the King as well by  
 ' Word of Mouth, as in Writing; the said late Chan-  
 ' cellor did say in full Parliament, That the said Advice  
 ' and Ordinance should be put in due Execution; which  
 ' yet was not done, and that by the Default of him who  
 ' was the principal Officer.'

[ 398 ] *To this Article, and the Third, and the Seventh, the  
 said Earl shall answer, if he have any Thing to say against  
 the same in special.*

III. ' Whereas a Tax was granted by the Commons  
 ' in the last Parliament, to be laid out in a certain  
 ' Form demanded by the Commons, and assented to  
 ' by the King and Lords, and not otherwise; yet the  
 ' Monies thence arising, were expended in another  
 ' Manner; so that the Sea was not guarded as it was  
 ' ordered to have been; whence many Mischiefs al-  
 ' ready have happened, and more are like to ensue to  
 ' the Realm: And all this by the Default of the said  
 ' late Chancellor.

IV. ' Whereas the Tideman of *Limbergh*, having to  
 ' him and his Heirs of the Gift of the King's Grand-  
 ' father 50 *l. per Annum*, out of the Customs of *King-*  
 ' *ston upon Hull*, which the said Tideman forfeited to  
 ' the King; and whereas the Payment of the said 50 *l.*  
 ' *per Annum* was discontinued for five and thirty Years  
 ' and upwards: The said Chancellor, knowing the Pre-  
 ' misses, purchased to him and his Heirs, of the said  
 ' Tideman, the said 50 *l. per Annum*, and prevailed  
 ' with the King to confirm the said Purchase; whereas  
 ' the King ought to have had the whole Profit.

*For this Purchase the said Earl was adjudged to Fine  
 and Ransom, and the said 50 l. to go to the King and  
 his Heirs; with the Manor of Flaxflete, and ten Marks  
 of Rent which were exchanged, &c. with the Issues.*

V. ' Whereas the High Master of *St. Anthony* is a  
 ' Schismatick, and for that Cause the King ought to  
 ' have the Profits which appertain to him in *England*;  
 ' the said late Chancellor, who ought to advance and  
 ' procure the Profit of the King, took to Farm the  
 ' said Profits of the King at twenty Marks *per Annum*,  
 ' and

‘ and so got to his own Use above a Thousand Marks. *K. Richard II.*  
 ‘ And afterwards, when the said Master, who now is  
 ‘ in *England*, and ought to have had the Possession and  
 ‘ Livery of the said Profits, he could not obtain the  
 ‘ same, till he and two Persons with him became bound,  
 ‘ by Recognizance in Chancery, of 3000 *l.* to pay year-  
 ‘ ly to the said Chancellor, and his Son *John*, 100 *l.* [ 399 ]  
 ‘ for the Term of their two Lives.’

*For this it was adjudged, That the King shall have all the Profits belonging to the said St. Anthony's, at the Time of the Purchase; and that for the Recognizance so made, the said Earl shall be awarded to Prison, and fined, and ransomed at the Pleasure of the King.*

VI. ‘ That in the Time of the late Chancellor there  
 ‘ were granted and made divers Charters and Patents  
 ‘ of Pardon for Murders, Treasons, Felonies, &c.  
 ‘ against the Laws; and before the Commencement of  
 ‘ this present Parliament, there was made and sealed a  
 ‘ Charter of certain Franchises granted to the Castle of  
 ‘ *Dover* in Disinheritson of the Crown, and to the Sub-  
 ‘ version of the Pleas and Courts of the King, and of  
 ‘ his Laws.’

*The King awards that those Charters be repealed.*

VII. ‘ Whereas by an Ordinance made in the last  
 ‘ Parliament, that 10,000 Marks should be raised for  
 ‘ the Relief of the City of *Ghent*; by the Default of  
 ‘ the said late Chancellor, the said City of *Ghent* was  
 ‘ lost, and also 1000 Marks of the said Money.’

*Upon all which Articles the Commons demand the Judgment of Parliament.*

*Knyghton* says that the Sum of the Earl's Answers to these Articles were either by denying some of them, or confessing and excusing others; and that, for all these Offences, the said Earl was not only discharged from his Office of Chancellor, but, being arrested, was committed to the Custody of the Constable, and, after the Parliament was up, he was sent close Prisoner to *Wind-  
 for Castle*; but was soon after discharged by the King.

*The Earl com-  
 mitted Prisoner.*

*Thomas Walsingham*, another Historian of good Authority, and contemporary with *Knyghton*, relates, that all these Articles were so fully proved, that the Earl could not deny them. Insomuch, that when he stood  
 upon



K. Richard II. upon his Defence, and had nothing to say for himself, the King, blushing for him, shook his Head and said, [ 400 ] *Alas, alas, Michael, see what thou hast done.* Further, when the King desired a Supply, the same Author tells us that the Commons answered, ‘He did not need any Tallage on his Subjects, when he might so easily furnish himself with a Sum of Money from him who was ‘his just Debtor.’ This may be true also, but it is not on Record; and it will be found in the Sequel that they granted a very large one.

The former, who is more particular in giving the Affairs of this Parliament than of any other throughout his whole History, goes on and tells us, That, by the Corruption of the King’s Officers, the public Revenue was vainly consumed; the King insufferably defrauded and abused; the common People of the Realm, by continued and grievous Burdens, miserably impoverished; the Rents and Profits of the Nobles and Great Men much impaired; and their poor Tenants in many Places forced to abandon their Husbandry, and leave their Farms empty and desolate. And all this Time it was plain that, by these Means, the King’s Officers became unmeasurably rich.

Eleven Lords chosen by Parliament, appointed to regulate the Affairs of the Kingdom.

The Parliament observing all this, in order to remedy the Evil, they chose eleven Lords, to whom the King, by Commission<sup>w</sup> under the Broad-Seal, granted Leave and Power to inquire into, treat of, and determine all Affairs, Causes, and Complaints arising since the Death of King Edward III. to that present Time; as also of the King’s Expences and his Ministers, and all other Matters happening within the limited Time. The Lords, so chosen, were sworn, on the Holy Evangelists, to well and truly regulate all Burdens, and other

<sup>v</sup> *Sub hoc Anno.*

<sup>w</sup> Rot. Parl. 10 Ric. II. Pars prima, No. 7. This Commission, in French, is also printed, at large, in H. Knyghton, col 2686, &c.

The Preamble to it, which is very long, runs thus,

‘Know ye, that for the Reverence of God, and to nourish Peace, Unity, and good Accord in all Parties within the Realm of England, and especially for the good Profit and Ease of our People, and good Government of our same Realm of England, which we chiefly desire, with the Assent of our Lords and Commons assembled in Parliament at Westminster the first Day of October last past, we have caused to be made a Statute, as well for the Amendment of the said Governance, as for the common Profit of the said Realm, in the Form following, &c.’ See Statutes at large, Hawkins’s Edit, 10 Ric. II. A. 1386. p. 347.

other Affairs incumbent on the King and Kingdom ; *K. Richard II.*  
and to do Justice to every one.

The King likewise took an Oath to stand to their [ 401 ]  
Appointment, to encourage them in their Actings, and not to revoke any Article of their Power, but to confirm, as good and stable, whatsoever the said Counsellors should do or order during that Time ; and that any six of them, with the three Chief Officers of the King, should at any Time make a *Quorum*.  
The King takes an Oath to ratify their Proceedings irrevocably,

*Lastly*, it was enacted, That if any Man should advise the King to make any Revocation of their Power, tho' the King should not do it, yet if it was but probable he gave such evil Counsel, he should, for the same, forfeit all his Lands and Goods ; and, if he attempted it a second Time, he should be drawn and hanged as a public Traitor to the King and Kingdom <sup>a</sup>.

But the Authority of Parliament alone being not judged sufficient to secure this great Change in the Government, the King was further prevailed on to grant his Letters Patent, on which, afterwards, a Statute was made, in order to render it as irrevocable as possible. Which Letters Patent must find a Place in these Inquires, since, tho' not strictly Parliamentary, yet they were the Occasion of the Persons concerned in the Commission being afterwards brought to a very severe Trial in Parliament. Thus they stand translated from the *French*.

**R**ICHARD, King, &c. *To all those to whom these Letters shall come to be seen or heard, Greeting. We being duly conscious of the grievous Complaints of the Lords and Commons of our Realm in this present Parliament assembled, That our Profits and Rents, and the Revenues of our Realm, by private and insufficient Council, and the ill Governance as well of certain of our late Great Officers, as of divers other People being near our Person, are so much consumed, wasted, embezzled, given away, granted, and aliened, destroyed, and evilly disposed of and expended, that we are so much impoverished and stripp'd of Treasure and Means, and the Substance of our Crown so diminished and destroyed, that we are neither able to sustain honourably, as we ought, the State of our Household,*  
And grants his Letters Patent in Confirmation thereof.

<sup>a</sup> *Traffus per Civitatem, tanquam Traditor publicus Regis et Regni, suspendetur.* Knyghton, col. 2686,

K. Richard II.

[ 402 ]

*nor maintain and manage those Wars wherewith our Realm is environ'd, without great and outrageous Oppressions and Charges on our People, greater than they can bear: And also that the good Laws, Statutes, and Customs of our said Realm, to which we are bound by Oath, and obliged to maintain, are not, nor have been, duly observed and executed, nor full Justice or Right done to our said People; but many Disinheritances, and other most great Mischiefs and Damages, have happened, as well to us, as to our People and whole Realm.*

*Now we, for the Honour of God, and for the Good of us and our Realm, and for the Quiet and Relief of our People, willing against the said Mischiefs to establish a good and meet Remedy, as we have already of our free Will, at the Request of the Lords and Commons, ordained and assigned such Persons for our great Officers; that is to say, our Chancellor, Treasurer, and Keeper of our Privy Seal, as we esteem good, faithful, and sufficient, for the Honour and Profit of us and our Realm: So also of our real Authority, certain Knowledge, good Pleasure, and Free-will, and by the Advice and Assent of the Prelates, Lords, and Commons in full Parliament, in Aid of the good Governance of our Realm, and the well and due Execution of our Laws, and for the Relief in Time of that miserable Condition under which both we and our Subjects have long labour'd, having full Confidence in the good Advice, Sense, and Discretion of the most Honourable Fathers in God, William Archbishop of Canterbury, and Alexander Archbishop of York; Our most dear Uncles, Edmund, Duke of York, and Thomas Duke of Gloucester; the Honourable Fathers in God, William Bishop of Winchester, Thomas Bishop of Exeter, and Nicholas Abbot of Waltham; our beloved and faithful Richard Earl of Arundele, John Lord Cobham, Richard le Scrope, and John Devereux, have ordained, assigned, and deputed, and do ordain, assign, and depute them to be of our Great and continual Council, for one whole Year next after the Date hereof, to survey and examine, together with our said Great Officers, as well the Estate, Condition, and Government of our whole Realm, and of all our Officers and Ministers of whatever Estate, Degree, or Condition they be, within our Household or without; and to inquire and take Information by all such Ways as they shall think*

*think meet, of all Rents, Revenues, and Profits belonging* R. Richard II.  
*to us, or which are due and ought to appertain to us, either*  
*within the Realm or without : And of all Gifts, Grants,* [ 403 ]  
*Alienations, and Confirmations by us made, of any Lands,*  
*Tenements, Rents, Annuities, Profits, Revenues, Wards,*  
*Marriages, Escheats, Forfeitures, Franchises, Liberties ;*  
*Voidances of Archbishopsricks, Bishopsricks, Abbeys, Priories,*  
*Farms of Houses, Possessions of Aliens, &c. And also of*  
*all Revenues and Profits, as well of our said Realm, as of*  
*our Lands, Lordships, Cities, Villages, and other Posses-*  
*sions beyond the Sea ; and of the Benefices and Possessions,*  
*and other Revenues of all that are in Rebellion against*  
*the Pope : And of the carrying Monies out of the Realm*  
*by the Collectors of the Pope, or the Procurators of Car-*  
*dinals, Lombards, or other Persons : And likewise of the*  
*Profits of our Customs, and all Subsidies granted to us by*  
*the Clergy and Laity, since the Day of our Coronation,*  
*to that Time : And of all Fees, Wages, and Rewards of*  
*our Officers and Ministers, great and small ; and of An-*  
*nuities and other Rewards granted ; and Gifts made to*  
*any Persons in Fee or for Term of Life, or in any other*  
*Manner : And of Lands, Tenements, Rents, Revenues,*  
*and Forfeitures, bargained or sold to the Prejudice and*  
*Damage of our Crown : And also touching the Jewels*  
*and Goods which were our Grandfather's at the Time of*  
*his Death, and of Charters and General Pardons ; and*  
*how general Payments have been levied and expended ;*  
*how Garrisons and Forts have been maintained : And of*  
*all Defaults and Misprisions, as well in our Household as*  
*in our Courts, and all other Places of our Realm : And*  
*by what Persons our Revenues and the Substance of our*  
*Crown have been withdrawn or diminished, or the Com-*  
*mon Law interrupted or delayed, or any other Damage*  
*that hath happened to us. Giving, and by these Presents*  
*granting, of our Authority, and by the Advice and Assent*  
*of our said Subjects, unto our said Counsellors, or any six*  
*of them, and to our Great Officers aforesaid, full Power*  
*and Authority, general and special, to enter our Palace*  
*and Household, and to call before them all our Officers, and*  
*to command all Rolls, Records, and other Monuments and*  
*Evidences ; and all Defaults, Wastes, and Excesses found*  
*in our said Household, and in other Courts and Places ;*  
*and all Deceits, Extortions, Oppressions, Damages, and* [ 404 ]  
*Grievances*



**K. Richard II.** *Grievances whatsoever, that are to the Prejudice, Damage, and Distress of us and our Crown, and the Estate of our said Realm in general, (though not herein particularly expressed and specified) to amend, correct, repair, redress, reform, and put into good and due Order and Establishment: And also to hear and receive the Complaints of all our Liege People, as well for us as themselves, against our said Officers and Counsellors: And all Oppressions, Wrongs, and Injuries, which cannot so well be amended and determined in the Courts of the Common Law: And to discuss and finally determine all the Matters aforesaid, and full Execution thereof to award, as to them shall seem most meet, for the Honour and Profits of us and our Estate, and to the Reintegration of the Rights and Profits of our Crown, and the better Governance of the Peace and Laws of our Kingdom, and the Relief of our said People. In which Proceedings, if Difference of Opinion happen amongst our said Counsellors, the same shall be concluded by Majority of Votes: And we command and charge all Prelates, Dukes, Earls, Barons, Sheriffs, the Treasurer and Comptroller, and all other Officers of our Household, Justices de Banco, and other Officers, Ministers, and Liege Subjects whatsoever, that to our said Counsellors and Officers, in Manner aforesaid, they be obedient, aiding, and assisting.*

*In witness whereof, &c. Given under our Great Seal the 19th Day of November.*

**A Subsidy granted.**

It is reasonable to expect after these great and extraordinary Concessions from the King, that some Taxes, or Subsidies, should be granted him; Dr. Brady has wholly omitted this Affair, but Mr. Tyrrel has found, from the Record<sup>y</sup>, which is also in *Knyghton*, that this Parliament freely granted half a Tenth in Spirituals, and half a Fifteenth on all Temporals. They likewise gave him of every Tun of Wine imported or exported, three Shillings; and twelve Pence on every Pound of Merchandize, except of such staple Commodities as Woollfells, &c. And that these Subsidies might be well and truly expended, the same prudential Care was taken in this as in other Matters, that the Money should be deposited

[ 405 ]

posited in the Hands of certain of the Nobility appointed *K. Richard II.* for that Purpose <sup>a</sup>.

On the 27th Day of *November* this Parliament was dissolved, having sat about seven Weeks; but the King's great Candour and Condescension in it was in a great Measure sullied by the following Memorandum, which is the last Thing entered upon the Roll, *viz.* That the King came and made Protestation, in full Parliament, with his own Mouth, *That for any Thing which was done in that Parliament, he would not any Prejudice should come to him, or his Crown; but that the Prerogative and Liberties of it should be safe and preserved* <sup>b</sup>.

The King repents of these Concessions to his Parliament,

It is necessary here, in order to keep up a proper Connection, to deviate a little from our Parliamentary History, to learn what Struggles the King made to get loose from the Bonds which had been thus imposed upon him. In the Year 1387 the King and Queen made a Progress into the West and Northern Parts of the Kingdom. In his Return from the latter, he held a Council at *Nottingham*. The chief Persons that this Council consisted of, was *Alexander*, Archbishop of *York*; *Robert de Vere*, lately created Duke of *Ireland*; *Michael de la Pole*, Earl of *Suffolk*; *Robert Tresilian*, Chief Justice of the King's Bench, and *Nicholas Brembre* of *London*, Knights, who were the King's greatest Favourites and Advisers, and in whom this unhappy Prince put his whole Trust and Confidence.

This Council of State summoned all the Sheriffs of the adjoining Counties to *Nottingham*, and demanded of them what Forces they were able to raise to assist the King against the Lords if they were required to do it. The Sheriffs answered, coldly, 'That the People were generally persuaded that the Lords were the King's Friends, and that they sought the Good of the Nation in all they did, and therefore they believed they could get very few to oppose them.' This Disappointment was the less to these Courtiers, because they

And endeavours to set them aside.

[ 406 ]

<sup>a</sup> This Parliament also granted that the District of *Brittany* should be sold to the *French* for 30.000 Marks, and the Money given to *Robert de Vere*, Duke of *Ireland*, on Condition that he would be gone from hence and make Use of it to recover the Dominions the King had given him in that Kingdom. A prodigious Sum in those Days; and which shews how willing the Parliament was to get rid of so dangerous a Favourite at any Rate.—*Walsingham*. But this is not on the Record.

<sup>b</sup> Rot. Parl. 10 Ricb. II. N<sup>o</sup>. 35.

K. Richard II.

The Sheriffs  
tamper'd with  
to make partial  
Returns.

knew that the Lords were very popular, and they had still other Projects to go upon. They next commanded the Sheriffs and Gentlemen, then attending on the Summons, to suffer *none to be returned as Knights or Burgeses for the next Parliament, but such as the King and his Council should nominate.* To which they replied, 'That the People would be very hardly deprived of their antient Privilege of chusing their own Members of Parliament; and that if there was a true Freedom observed in chusing, it would be almost impossible to impose any Person against the People's Liking, especially since they would easily guess at the Design, and stand the more resolutely upon their Right.' This Answer of the Sheriffs' somewhat startled the Politicians, because they built much on this Invention; (which was but new in those Days, though frequently practised in latter Reigns) for what was done by a Parliament would, as they imagined, carry a Face of Justice along with it, and their private Revenge be turned into a public Punishment. But, losing this Point, they dismissed the Sheriffs and Gentlemen, and fell upon their last, but most desperate Stratagem, which was to ruin them by Law.

To this End the King sent his Summons for all the Judges to attend him; and, on their Appearance, a String of Questions or Articles, which were ready drawn up by Sir Robert Tresilian, Chief Justice of the King's Bench, and one of the Cabal, was proposed to them. These Articles *Knyghton* has given at large, which bear such a Dependence on Parliament, and are so extraordinary in themselves, that an Omission of them would be unpardonable.

The Preface to them runs thus;

Questions proposed to the Judges, and their Answers, relating to the late Commission.

[ 407 ]

**B**E it remembered, That on the 25th Day of August, in the 11th Year of the Reign of King Richard II. at the Castle of Nottingham, before our said Lord the King, Robert Tresilian, Chief Justice of England, and Robert Belknappe, Chief Justice of the Common Bench of our said Lord the King, John Holt, Roger Fulthorp, and

c *Knyghton*, col. 2694, &c.

*Tyres's History of England*, Vol. III. p. 906, &c.

See also Sir John Hayward's *Life and Reign of Henry IV.* but which is rather the *Life* of this King, &c. p. 14, &c. *London*, 1630.

and William de Burgh, Knights, Justices, and Associates K. Richard II.  
of the said Robert Belknappe, and John de Lokton, the  
King's Serjeant at Law, in the Presence of the Lords and  
other Witnesses underwritten, were personally required by  
our said Lord the King, on the Faith and Allegiance  
wherein to him the said King they are bound, to answer  
faithfully unto certain Questions here under specified, and  
to them then and there truly recited, and upon the same to  
declare the Law according to their Discretion, viz.

I. It was demanded of them, 'Whether that new  
' Statute, Ordinance, and Commission, made and pub-  
' lished in the last Parliament held at *Westminster*, be  
' not derogatory to the Royalty and Prerogative of our  
' said Lord the King?'

To which they unanimously answered, *That the same  
were derogatory thereunto; especially because they were  
against his Will.*

II. 'How those are to be punished, who procured that  
' Statute and Commission?'

To which they unanimously answered, *That they were  
to be punished with Death, except the King would pardon  
them.*

III. 'How those are to be punished who moved the  
' King to consent to the making of the said Statute?'

Whereunto they answered with one accord, *That  
they ought to lose their Lives, unless his Majesty would  
pardon them.*

IV. It was ask'd them, 'What Punishment they de-  
' served who compelled, straitened, or necessitated the  
' King to consent to the making of the said Statute and  
' Commission?'

To which they all answered, *That they ought to suffer  
as Traitors.*

V. 'How those are to be punished who hindered the  
' King from exercising those Things which appertain to  
' his Royalty and Prerogative?'

To which Question they unanimously answered, *That  
they are to be punished as Traitors.*

VI. 'Whether after, in a Parliament assembled, the  
' Affairs of the Kingdom, and the Cause of calling  
' that Parliament, are by the King's Command declared,  
' and certain Articles limited by the King, upon which  
' the Lords and Commons in that Parliament ought to



K. Richard II. ‘ proceed ; if yet the said Lords and Commons will proceed altogether upon other Articles and Affairs, and not at all upon those limited and proposed to them by the King, untill the King shall have first answered them upon the Articles and Matters so by them started and expressed, although the King’s Command be to the contrary ; whether in such Case the King ought not to have the Governance of the Parliament, and effectually over-rule them, so as that they ought to proceed first on the Matters proposed by the King ; or whether, on the contrary, the Lords and Commons ought first to have the King’s Answer upon their Proposals before they proceeded further ?’

To which Question they answered unanimously, *That the King in that Behalf has the Governance, and may appoint what shall be first handled, and so gradually what next in all Matters to be treated of in Parliament, even to the End of the Parliament : And if any act contrary to the King’s Pleasure made known therein, they are to be punished as Traitors.*

VII. ‘ Whether the King, whenever he pleases, can dissolve the Parliament, and command the Lords and Commons to depart from thence, or not ?’

To which they unanimously answered, *That he can ; and if any one shall then proceed in Parliament against the King’s Will, he is to be punished as a Traitor.*

VIII. ‘ Since the King can, whenever he pleases, remove any of his Judges and Officers, and justify or punish them for their Offences, whether the Lords and Commons can, without the Will of the King, impeach in Parliament any of the said Judges or Officers for any of their Offences ?’

To which they unanimously answered, *That they cannot ; and if any one should do so, he is to be punished as a Traitor.*

IX. ‘ How he is to be punished who moved in Parliament, That the Statute should be sent for, whereby Edward the Second (the King’s Great Grandfather) was proceeded against and deposed in Parliament ; by Means of sending for and imposing which Statute, the said late Statute, Ordinance, and Commission, were devised and brought forth in Parliament ?’

To which they answered, *That as well he that so moved,*

moved, as he who, by Pretence of that Motion, carried the *K. Richard II.* said Statute to the Parliament, are Traitors and Criminals to be punished with Death.

X. It was demanded of them, ‘ Whether the Judgment given in the last Parliament held at *Westminster*, against *Michael de la Pole*, Earl of *Suffolk*, was Erroneous and Revocable, or not ?’

To which Question they unanimously answered, *That if that Judgment were now to be given, they would not give it ; because it seems to them, that the said Judgment is Revocable, as being Erroneous in every Part of it.*

*In Testimony of all which the Judges and Serjeants aforesaid to these Presents have put their Seals in the Presence of the Reverend Lords, Alexander Archbishop of York, Robert Archbishop of Dublin, John Bishop of Durham, Thomas Bishop of Chichester, and John Bishop of Bangor, Robert Duke of Ireland, Michael Earl of Suffolk, John Rypon, Clerk, and John Blake, Esq; Given the Place, Day, Month, and Year aforesaid<sup>a</sup>.*

But tho’ the King and his Favourites had got the Judges on their Side, and by those Means had procured a Colour of Law for what they did, yet the greatest Difficulty remained behind, which was to arm themselves with Power sufficient to put these Resolves in Execution. To this Purpose they did their utmost to render themselves and their King popular ; and, at his Majesty’s Return to *London*, he was met and received by the Mayor and Citizens, with the greatest Pomp and Solemnity<sup>b</sup>. But this Joy was very short-lived, for

[ 410 ]

E e 2 the

<sup>a</sup> *Knyghton* assures us, That *Belknappe*, Chief Justice of the Common Pleas, did very earnestly refuse to sign the Resolutions, till *Vere* and *De la Pole* forced him to it, by threatening him to kill him if he refused ; whereupon having put to his Seal, he burst forth into these Words before them, ‘ Now want I nothing but a Ship, or a nimble Horse, or an Halter to bring me to that Death I deserve : If I had not done this, I should have been kill’d by your Hands, and now I have gratified the King’s Pleasure and yours in doing it, I have well deserved to die for Treason against the Nobles of the Land.’ Col. 2694.

Some Authors say, That all the Judges of *England*, except *William Skipwith*, absent by reason of Sickness, join’d in answering these Questions ; which seems probable, because they were afterwards all question’d and punish’d for the same ; yet in the Record there are but Five named ; possibly the others might consent, though only these set their Seals to it.

<sup>b</sup> *Major Londoniarum obviabat eam innumerabili Multitudine equitum de Civibus vestitis omnibus in Coloribus regis, viz. in Gownis albi Coloris et rubri.* *Knyghton*, col. 2696.

K. Richard II. the Junto, soon after their Arrival at *Westminster*, had Notice that the Duke of *Gloucester*, with the Earls of *Arundele* and *Warwick*, and a great Body of armed Men, were marching towards *London*. This News alarmed the Favourites greatly; and as both they and every one else were ignorant what this Armament intended, all were silent waiting for the Event. It was not long before these Lords declared themselves, and being come with their Army as far as *Hackney*, they sent the Archbishop of *Canterbury*, the Lord *John Lovel*, the Lord *Cobham*, the Lord *Devereux*, and others, to the King with this Message: 'That they came to demand the  
' Persons who had seduced the King, and were Traitors  
' both to him and the Kingdom: That it was purely  
' for his Majesty's Welfare and the Good of the Nation  
' that they took up Arms, in order that they might  
' bring those Traitors to Justice, to the Terror of all  
' succeeding evil Ministers.' They named five Persons, who had the Rule and Government of every Thing both at home and abroad, and had given the King such pernicious Advice, there specified, that, if it was followed, would be the Ruin of them all. These and many other Matters were all particularly related, in a Letter sent from the said Duke and Earls to the Mayor and Citizens of *London*. To make short of this Matter, the King was driven to Straits; and, finding that his Favourites could no ways protect him, he was forced at last to come to a Composition, and to refer all Grievances to the Decision of the next Parliament. Writs were issued out, accordingly, for one to meet on the Day after *Candlemas-Day*, or the third of *February*. But, in the Body of the Writs for electing of Members for this Parliament, an equivocal Clause was inserted; which was an Order to return *those Persons that were the most indifferent in the present Disputes*. Which, being found out, the King was obliged to renew the Writs, and even to specify that the Clause, abovementioned, was put in contrary to the antient Form<sup>h</sup>.

The King fails in his Attempt to revoke it, tho' the Judges had declared in his Favour.

[ 411 ]

The

<sup>h</sup> The Form of the second Writ, as preserved in the Public Acts, is as follows:

*Rex Vicecomiti Kantiaë salutem. Licet nuper per Breve nostrum, inter cætera, tibi præceperimus, firmiter injungentes, quod de Comitatu tuo duos Milites, Gladiis cinctos magis idoneos et discretos Comitatus prædicti, et in Debatibus modernis magis indifferentes, eligi, et eos ad Parlamentum nostrum, apud*

The Parliament being met, on the Day appointed, *K. Richard II.*  
*Thomas Fitz-Alan*<sup>i</sup>, Bishop of *Ely*, and Lord-Chancel-  
 lor, with great Wisdom and Eloquence, says the Re-  
 cord<sup>k</sup>, declared the Cause of the Summons to be, ‘ To  
 consider by what Means the Troubles in the Kingdom,  
 for Want of good Government, might be ended ; the  
 King better advised ; the Realm better governed ;  
 Misdemeanors more severely punished ; and good Men  
 better encouraged : How the Kingdom might be best  
 defended ; the Sea best kept ; the Marches of *Scotland*  
 best guarded ; *Gascoigny* preserved ; and how the  
 Charges of these Things might be borne with the most  
 Ease to the People.’ And then he gave Notice,  
 That those who would complain in that Parliament of  
 any Thing which could not well be reversed at Com-  
 mon Law, might carry their Petitions to the Clerks  
 in Chancery, there named, and appointed to receive  
 them.’

Anno Regni 11.  
1388.

At Westminster.

[ 412 ]

Immediately after the Chancellor had ended his  
 Charge, the Duke of *Gloucester* fell on his Knees before  
 the King, and said, ‘ That he understood his Majesty  
 had been informed, that he was about to depose him  
 and make himself King ; and offered to stand to the  
 Award and Judgment of his Peers in Parliament.’  
 Upon this, the King declared openly, *That he did not*  
*think him guilty, and fully excused him.*

The Lords Spiritual and Temporal, then present,  
 claimed, as their Liberty and Franchise, that all great

E c. 3. Matters,

*apud Westmonasterium, in crastino Purificationis beatæ Mariæ, proximo futuro, teneri ordinavimus ad eodẽ Diem & Locum venire faceres.—Nos tamen, attendentes dictam Clausulam [in Debatis modernis magis indifferentes] contra Formam Electionis, antiquitus usitatæ, ac contra Libertatem Dominorum & Communitatis Regni nostri Angliæ, hætenus obtentam existere.—Volentes providere prædictos Milites libere eligi, modo et Forma, prout antiquitus fieri consuevit.—Tibi præcipimus, firmitur injungentes, quod de Comitatu tuo prædicto, duos Milites, Gladiis cinctos, magis idoneos et discretos prout hætenus fieri consuevit eligi, et eos ad dictos Diem et Locum venire facias, dicta Clausula non obstante.—Cæteraque omnia et singula, in dicto Breui nostro contenta, facias et exequaris, juxta Tenorem ejusdem, dictam Clausulam penitus omittens ; et habeas ibi hoc Breve et aliud Breve.*

*Teste Rege apud Westmonasterium primo Die Januarii.*

*Per ipsum Regem et Consilium.*

*Fœd. Ang. Tom. VII. p. 526.*

*Consimilia Brevia diriguntur singulis Vicecomitibus per Angliam.*

<sup>i</sup> Brother to the Earl of *Arundele*, from whence he is often called *Thomas de Arundele*.

<sup>k</sup> *Molt Sagement et Eloquentment, &c. Rot. Par. 11 Ricb. II, N<sup>o</sup>. 1.*



**K. Richard II.** Matters, moved in that Parliament, or to be moved in any future Parliament, touching Peers of the Land, should be discussed and judged by Course of Parliament, and not by the Civil or Common Law of the Land used in the lower Courts of the Kingdom. Which Claim, Liberty, and Franchise, the King, in full Parliament, readily allowed and granted.

**Five Lords lodge an Appeal against the King's Ministers** Then five Lords, who were called *Appellants*, because they were the Accusers of the late Ministers, whose Names were *Thomas Duke of Gloucester*, *Henry Earl of Derby*, *Richard Earl of Arundele*, *Thomas Earl of Warwick*, and *Thomas Earl of Nottingham*, Earl Marshal, stood up and made open Protestation, in full Parliament, touching their Appeal and Suit in that Parliament, and that what had before been done, by the Assistance of the People, in their Company or Retinue, was done principally to the Honour of God, in Aid and Safety of the King and his Kingdom, and the Security of all their Lives.

**A Subsidy granted,** On the 10th Day of *March*, and the 36th of this Parliament, the Lords and Commons granted Half a Tenth and Half a Fifteenth, with Protestation, That it was done of Necessity, and that it might be no Prejudice to the Lords and Commons for the Time to come, because it was granted before the ending of this Parliament; and further, they prayed the King, That notwithstanding this Grant so made, the Parliament might hold on its Course, and be adjourned if Need were; and that all Things touching the said Parliament might be done and executed, as if the Grant had not been made till the End thereof, as in Manner accustomed. Which Request the King granted. And,

**[ 413 ]** On *Friday* the 20th of *March*, this Parliament further gave the King, in Defence of the Realm, a Subsidy of 3*s* on every Tun of Wine, and 12*d*. on every Pound of Merchandizes, imported into the Kingdom, as well of Aliens as of Denizens; except of Leather, Wooll, Wooll-fells, &c. And of those they granted the usual Subsidy, under the same Protestation which they made in granting the Half-Tenth and Fifteenth aforesaid; all to continue to the Feast of *Pentecost* next ensuing.

**And enlarged.** The Parliament having granted the King all the Aid they intended at this Time, and which, by the bye, took

took them forty-six Days in effecting, as a Prelude to *K. Richard II.* what was going to be acted, each of the Prelates, Lords, and Commons, then assembled, had the following Oath administer'd to them, upon the Rood, or Cross, of *Canterbury*, in full Parliament :

*YOU shall swear that you will keep, and cause to be kept, the good Peace, Quiet, and Tranquillity of the Kingdom: And, if any will do to the contrary thereof, you shall oppose and disturb him to the utmost of your Power. And if any People will do any Thing against the Bodies of the Persons of the five Lords; that is to say, Thomas Duke of Gloucester, Henry Earl of Derby, Richard Earl of Arundele and Surrey, Thomas Earl of Warwick, and Thomas Earl Marshal, or any of them, you shall stand with them to the End of this present Parliament, and maintain and support them with all your Power, to live and die with them against all Men, no Person or any other Thing excepted; saving always your Allegiance to the King and the Prerogatives of his Crown, the Laws and good Customs of the Kingdom<sup>1</sup>.*

Each Member of both Houses swears to support the Lords Appellants.

[ 414 ]

After the taking of this Oath, *Easter* being near, the Parliament was adjourned 'till fifteen Days after that Festival: And the King commanded the Lords and Commons to be attendant at the Time aforesaid, as they would answer the contrary at their Peril.

How *Easter* fell this Year we are uncertain, nor is it worth the while to inquire; but this Parliament did not meet, after their Adjournment, 'till *June 2d*, which the Record calls the 120th Day of its Duration, and which Time they did not spend wholly in Devotion, but were far otherwise employed, as will appear in the Sequel.

The first Thing they did after their Meeting, was to renew and enlarge their former Grant of a Subsidy on Woolls, &c that is to say, of every Sack of Wooll, over and above the antient Custom of half a Mark, 43*s.* 4*d.* of Denizens, and 46*s.* 8*d.* of Aliens; of every Last of Skins, above the old Custom of one Mark, six Marks of Natives, and seven Marks of Strangers; and of every 240 Wooll-fells, above the old Custom of half a Mark, 43*s.* 4*d.* of Natives, and 46*s.* 8*d.* of Aliens; to continue from *Sunday in Whitsun Week* last past, which

The former Subsidies still enlarg'd.

<sup>1</sup> *Cotton's Abridgement of Records*, p. 322.

K. Richard II. which was the 23d of *May*, to the Feast of St. *John Baptist* next coming, and from the said Feast to the same Day Twelvemonths, on Condition that the five Lords Appellants, before-mentioned, should have paid, out of the Money arising from this Grant, 20,000*l.* for Cost, Travel, and Expences lately laid out for the Honour, Profit, and Safety of the King and of the whole Realm. The Tonnage and Poundage granted in their last Meeting was also confirmed in this; with this Addition, That it was to continue to the same Time mentioned with the Subsidy.

The Parliament vote 20,000*l.* to the said five Lords for the Service done to their Country.

Next follow, on the Record, the Petitions of the Commons, in Number 27. For Brevity's Sake we shall only mention the two first, though the whole of them ought not to be omitted in a particular History of this unfortunate King's Life. In them may be seen the highest Insolence practised by the Lower House of Parliament, in their Address to the Throne, that ever was used before or since, except in the last Age; by which may be found how early the Engines were at Work to poison the Minds of the People against their Sovereign, and which ended, at last, in his final Ruin and Destruction.

Their first Petition was, 'That it would please the King, out of his special Grace and Favour, to grant that another Parliament might be held, for the Good and Benefit of the Realm, to meet fifteen Days after Michaelmas next. The Answer was, *The King will be advised.*—The next, 'That no Person, of what Degree soever, do intermeddle with the Business of the Kingdom, nor the King's Council, but those assigned in this Parliament, unless it be by Order of the continual Council: And also that they might have Power to remove all Persons from the King whom they thought fit to remove, and put others in their Places.' To which the King's Answer was, *As to the first Part of the Article, the King granted it; and as to the second, if any Lord of the Council, or other Lord of the Kingdom, will inform the King that he had about him any Person not sufficient or honest, if it be so proved, he shall be removed, and another more able, by his own Consent, put in his Place.*

But the greatest Affair that was transacted in this Parliament, was the Impeachment and Trial of this King's chief Ministers, Favourites, Judges, &c. that were

were his Advisers in the late Business at *Nottingham*, *K. Richard II.* It begun on the very first Day of their Meeting<sup>m</sup>, *Feb. 3*, when the five Lords Appellants, mentioned before, exhibited Articles of High Treason against *Alexander Archbishop of York*; *Robert de Vere*, Duke of Ireland; *Michael de la Pole*, Earl of *Suffolk*; the Judges, &c. which, though many in Number, and the Proceedings thereon somewhat long, yet a Matter so curious in Parliamentary Inquiries must suffer no Abridgement in this History<sup>n</sup>.

I. **T**HAT, as false Traitors to the King and Realm, Articles of Impeachment against the Archbishop of York, the Duke of Ireland, Earl of Suffolk, the Judges, &c.  
 seeing the tender Age of our said Lord the King, and the Innocency of his Royal Person, they had, by many false Contrivances, by them without Loyalty or Good Faith imagined and suggested, endeavoured wholly to engross his Majesty's Affection, and to make him entirely give Faith and Credence to what they should say, though never so pernicious to himself and his Realm, and to hate his loyal Lords and People, by whom he would more faithfully have been served; encroaching and assuming to themselves a Power, to the disfranchising our Lord the King of his Sovereignty, and impairing his Royal Prerogative and Dignity, making him so far obey them, that he hath been sworn to be governed and counselled by them only; by Means of which Oath, and the Power they have so traiterously usurped, great Inconveniences, Mischiefs, and Destructions have happened, as by the subsequent Articles will appear.

[ 415 ]

## II.

<sup>m</sup> Though the Impeachment was brought in the first Day, the Articles of it are not entered on the Rolls 'till the End of this Parliament, when they and the Proceedings upon them stand together, and are called *Pars secunda et tertia*.

<sup>n</sup> These Articles are preserved, in their original *French*, in *Knyghton*, in *Decem Script.* col. 2715, &c. In *Rot. Parl.* 11 *Richard II.* No. 1. Part ii. and iii. And in the *Statutes at large*, Anno 11 *Richard II.*

Three Ladies were also banished the Court at this Time, and put under Guard, viz. the Lady *Mobun*, the Lady *Molineaux*, and the Lady *Poinings*; but for what Crime is not mentioned. *Walsingham* and *Knyghton*.

The King's Writs to the several Governors of the Castles of *Gloucester*, *Dover*, *Nottingham*, *Bristol*, and *Rocheſter*, for keeping in safe Custody *Robert Tresilian*, *Nicholas Brembre*, *John Beauchamp de Holt*, *Thomas Trewit*, and *John Salisbury*, Knights; *John Lincoln*, Clerk of the Exchequer; *Simon de Burley*, *William de Elmham*, *John Golofre*, *James Berners*, and *Nicholas Dagworth*, Knights; *Nicholas Slake*, *Richard Midford*, and *Richard de Clifford*, Clerks, are in the *Public Acts*, Tom. VII, p. 566, 7.



K. Richard II.

II. 'Whereas the King is not bound to make any Oath to any of his Subjects, but on the Day of his Coronation, or for the common Profit of him and his Realm, the said Bishop, Duke, and Earl, false Traitors to the King and Realm, have made him swear and assent to them, that he will maintain and defend them, and live and die with them: And so whereas the King ought to be of a free Condition above any other in his Realm, they have brought him more into Servitude and Bondage, against his Honour, Estate, and Royalty, contrary to their Allegiance, and as Traitors unto him.

III. 'The said Traitors, by the Assent and Counsel of *Robert Tresilian*, the false Justice, and *Nicholas Brembre*, the false Knight of *London*, by their false Covin, would not at all suffer the Great Persons of the Realm, nor the good Subjects of the King, to speak to or approach the King to give him wholesome Advice, nor the King to speak to them, unless in the Presence and Hearing of them the said Duke of *Ireland*, &c. or two of them, at their Will and Plezsure, or about such Things as they thought fit, to the great Disgrace of the Nobles and good Counsellors of the King, and to the preventing of their Good-will and Service towards the King, thereby encroaching to themselves the Royal Power, and a Lordship and Sovereignty over the Person of the King, to the great Dishonour and Peril of the King, his Crown, and Realm.

IV. 'The said Archbishop, &c. by such their false Devices and pernicious Counsels, have diverted the King from shewing due Countenance to his Great Lords and Liege People, so that they could not be answered in their Suits and Rights, without the Leave of them the said Archbishop, &c. thereby putting the King besides his Devoir, contrary to his Oath, contriving to alienate the Heart of our Lord the King from his People, that they might engross amongst themselves only the Government of the Realm; whereby they have caused our Lord the King, without the Assent of the Realm, or any Desert in them, to have given away, by their Abetment, many Lordships, Castles, Towns, and Manors, as well annexed to his Crown as others; as, particularly, the Land of *Ireland* and

Oke-

‘ *Okeham*, with the Forest and Lands which did belong *K. Richard II.*  
 ‘ to the Lord *Dandelegh*, and great Quantities of other  
 ‘ Lands to the said Duke of *Ireland*, and divers others;  
 ‘ whereby they unworthily are vastly enriched, but the  
 ‘ King rendered poor, and unable to sustain and defray  
 ‘ the Charges of the Government, unless by Impositions,  
 ‘ heavy Taxes, and Tributes laid upon his People, to  
 ‘ the Disinheritance of his Crown, and the Destruction  
 ‘ of the Realm.

V. ‘ By such Encroachment of the said Archbishop,  
 ‘ &c. and by the Counsel of that false Justice *Tresilian*, and  
 ‘ *Brembre* the false Knight of *London*, they have caused  
 ‘ our Lord the King to have given away divers Manors,  
 ‘ Lands, Tenements, Offices, and Bailiwicks, to divers  
 ‘ other Persons their Creatures, and such as they could  
 ‘ confide in, and to others, of whom they have taken  
 ‘ great Gifts by way of Brokage to that Purpose, and  
 ‘ to stand by them in their false Suits and ill Purposes,  
 ‘ to the great Prejudice of the King and Realm; such as  
 ‘ Sir *Robert Mansel*, Clerk, *John Blake*, *Thomas Usk*,  
 ‘ and divers others.

VI. ‘ The said Duke, &c. encroaching to themselves  
 ‘ the Royal Power, have caused the King to give very  
 ‘ great Gifts of Gold and Silver, as well of his proper  
 ‘ Goods and Jewels, as of the Goods and Treasure of  
 ‘ the Realm; as Tenths, Fifteenths, and other Taxes,  
 ‘ granted by divers Parliaments, to be expended for the  
 ‘ Defence and Safeguard of the Kingdom, which yet, to  
 ‘ the Value of 100,000 Marks, have been lavish’d away  
 ‘ upon the said Duke of *Ireland* and others. And tho’  
 ‘ many good Ordinances and Laws have been made in  
 ‘ Parliament, as well for maintaining and carrying on of [ 417 ]  
 ‘ Wars, as for the Defence of the Realm, yet they have  
 ‘ been by them disturbed and defeated, to the great Dis-  
 ‘ honour and Damage of the King and Realm.

VII. ‘ By such Encroachment, and the great Gifts  
 ‘ and Brokages taken by the said Duke of *Ireland*, &c.  
 ‘ it came to pass that divers unfit and insufficient Persons  
 ‘ were preferred to, and intrusted with, the Keeping  
 ‘ and Government of divers Garrisons, Castles, and  
 ‘ Countries involved in War, as in *Guienne* and else-  
 ‘ where, both beyond and on this Side the Sea, where-  
 ‘ by the said Strong-holds have been lost, the Countries  
 ‘ wasted,

K. Richard II. 'wasted, and the People, faithful Subjects to the King, 'destroyed; and great Seigniories newly rendered into 'the Hands and Possessions of Enemies, without the 'Assent of the Realm, as the Marches of *Scotland*, &c. 'to the Disinheritance of the King's Crown, and the great 'Loss of the Kingdom, as in *Harpeden* and *Craddock*, 'and divers others.

VIII. 'By the same Means the said Archbishop and 'his Fellow-Traitors have caused divers People to be 'disturbed and deprived of Right and the Common Law 'of *England*, and put to intolerable Delays, Losses, and 'Costs; and the Statutes and Judgments which right- 'fully, for necessary Causes, have been made and given 'in Parliament, have been reversed and annulled by the 'Procurement of the said Malefactors and Traitors; 'and all this because of the great Gifts and Brokages by 'them received of Parties, to the grand Mischief of the 'King and Realm.

IX. 'The said Archbishop and other Traitors have 'caused and counselled our Lord the King to grant Char- 'ters of Pardon of horrible Felonies and Treasons, as 'well against the State of the King, as of the Person 'injured and prosecuting; which Thing is against the 'King, and the Oath of the King.

X. 'Whereas the said Seigniories of the Land of *Ire-* 'land are, and Time out of Mind have been, Parcel of 'the Crown of *England*, and the People of *Ireland*, 'Liege Subjects to our Lord the King, and his Royal 'Progenitors Kings of *England*, who, in all their Char- 'ters, Writs, Letters Patent, and in all their Seals, have, 'for the Augmentation of their Renown and Royalty, 'been intitled Lords of *Ireland*; yet the said Arch- 'bishop, &c. as false Traitors, by their said Encroach- 'ment, have caused and counselled our Lord the King, 'as much as in him lies, to have granted and fully as- 'sented and accorded, that the said *Robert de Vere*, Duke 'of *Ireland*, should be made King of *Ireland*: And, to 'complete such their ill Purpose, have advised and ex- 'cited our said Lord the King to send his Letters to our 'Holy Father the Pope, to grant, ratify, and confirm 'this their traiterous Design, without the Privy or As- 'sent of his Realm of *England*, and of the said Land of 'Ireland, to the dividing the Liegiance of the King be-  
 'tween

‘ tween his Realm of *England* and the said Land of *Ire-K. Richard II.*  
 ‘ land, in Diminution of his Majesty’s honourable Stile,  
 ‘ and open Disinheritance of the Crown of *England*, and  
 ‘ full Destruction of the lawful Liege Subjects of our  
 ‘ Lord the King, and of the said Land of *Ireland*.

XI. ‘ Whereas by the Great Charter, and other good  
 ‘ Laws and Usages of the Realm of *England*, no Man  
 ‘ is to be taken, nor any Prisoner put to Death, without  
 ‘ the due Process of Law; the said *Nicholas Brembre*,  
 ‘ the false Knight of *London*, did take, by Night, cer-  
 ‘ tain Prisoners, to the Number of 22, out of the Goal  
 ‘ of *Newgate*, some of them being indicted and appealed  
 ‘ of Felony, and some Approvers in Cases of Felony,  
 ‘ and some on Suspicion of Felony, and carried them out  
 ‘ of *London* into *Kent*, to a Place called *Foulboke*; and  
 ‘ there, encroaching on the Royal Power, and in Defi-  
 ‘ ance of the said Laws, as a Traitor to the King, did,  
 ‘ without any Process of Law, cause them all to be be-  
 ‘ headed, except one who was appealed of Felony, by  
 ‘ an Approver, whom he set at large at the same Time.

XII. ‘ The aforesaid Archbishop and other Traitors  
 ‘ have, in small Causes, taken great Gifts in the Name  
 ‘ of the King, of divers Parties, to maintain and abet  
 ‘ them in their Suits and Quarrels, and sometimes have  
 ‘ played the Ambo-Dexters, and taken Money of both  
 ‘ Sides.

XIII. ‘ Whereas divers of the Great Lords, loyal  
 ‘ Subjects to the King, in divers Parliaments, seeing the  
 ‘ Dangers, and apprehending the Destruction threat-  
 ‘ ening the King and Realm, by Means of the Mischiefs  
 ‘ of these Malefactors, have moved to have good Go-  
 ‘ vernance under the King, to avoid the said Perils:  
 ‘ The forenamed Archbishop, and other Traitors, by  
 ‘ their Encroachments and fatal Influences, have so  
 ‘ ordered Matters, that the King has not only been deaf  
 ‘ to all such Persuasions, but also has commanded some  
 ‘ of those that moved it to depart from his Council,  
 ‘ and to speak no more of such Matters, nor touching  
 ‘ the good Governance of the King and Kingdom, on  
 ‘ Pain of Death; to the great Prejudice of the King and  
 ‘ Kingdom.

[ 419 ]

XIV. ‘ Whereas in the last Parliament, all the  
 ‘ Lords and other Sages there assembled, (seeing the  
 ‘ Lois



K. Richard II.

‘ Loss and Destruction of the King and Realm, and  
 ‘ the Perils and Mischiefs aforesaid ; and that the King  
 ‘ was departed from the Council of the Realm, and  
 ‘ wholly abandon’d himself to the Counsels of the said  
 ‘ Malefactors and Traitors ; by Means whereof the  
 ‘ *French* King had Ships and a Royal Power on the  
 ‘ Sea, ready to have arrived in *England*, the said Realm,  
 ‘ and the very Language of *England*, to destroy ;  
 ‘ and that no Provision was made, or good Governance  
 ‘ taken, for the Safety of the King nor Realm) finding  
 ‘ no other Remedy, did remonstrate to the King very  
 ‘ fully, how he was ill-advised, and Affairs most perniciously manag’d by the aforesaid Traitors and Malefactors, declaring to him their wicked Conditions ;  
 ‘ and most humbly beseeching him, for the Safety of  
 ‘ himself, and of all his Realm, and avoiding the said  
 ‘ impending Dangers, to forsake and turn these Traitors from his Presence and Company, and no longer  
 ‘ to conduct himself after their evil Counsel, but to  
 ‘ hearken to the sage, loyal, and discreet Persons of his  
 ‘ Realm : Whereupon the said Archbishop and other  
 ‘ Traitors, to defeat this wholesome Advice of the Parliament, by their false Counsel, did then cause the  
 ‘ King to command the Mayor of *London* suddenly to  
 ‘ levy a great Power of the People of that City, to attack and put to Death all the said Lords and Commons, except such as were of their Cabal : At the  
 ‘ Execution of which Villany the said great Malefactors and Traitors should be present and Parties, to the  
 ‘ Scandal and great Diservice of the King and his  
 ‘ Realm.

[ 420 ]

XV. ‘ When the said Archbishop and other Traitors  
 ‘ perceived that the said Mayor and good People of *London* had openly refused, in the Presence of the King,  
 ‘ to accomplish such their Treachery and lewd Purposes,  
 ‘ touching the Murder of the said Lords and Commons,  
 ‘ they then, by such their traiterous Encroachment,  
 ‘ falsely advised the King, and so far prevailed, that our  
 ‘ Lord the King did absent himself from his Parliament  
 ‘ for many Days, and did certify them, That he would  
 ‘ never approach the said Parliament, nor commune  
 ‘ with the said Lords and Commons touching the Affairs of the Realm, for any Danger, Loss, or Mis-  
 ‘ chief

chief that might happen to him or his Realm, unless K. Richard II.  
he were first assured by the said Lords and Commons  
that they would not say nor act any thing in that Parlia-  
ment against any of the said Malefactors, save only in  
the Process which was begun against *Michael de la*  
*Pole*: All which was to the Disservice of the King and  
his Realm, and contrary to the antient Ordinance  
and Liberties of Parliament.

XVI. The said Lords and Commons of the Realm,  
after they found the King's Will, by the malignant  
Counsel and Excitement of the said Archbishop and  
other Traitors, to be such, that he would not suffer  
any Thing to be commenced, prosecuted, or done  
against the said Malefactors and Traitors, were pleased  
to acquiesce, and not proceed therein any further  
against his Pleasure. And afterwards in the said Parlia-  
ment, taking the Advice and Counsel of all the Lords,  
Judges, and other Sages and Commons of the said  
Parliament, how the Estate of the King and his Roy-  
alty might best be preserved from the Perils and Mis-  
chiefs aforesaid, could not find any apter Expedient,  
than to ordain, That Eleven of the loyal and sage  
Lords of the Land should be of Council to the King  
for one Year then next ensuing: And that there  
should be made, during that Time, a Statute and Com-  
mission, whereby they should have full and sufficient  
Power to order Matters for the Government of the  
King and of the Realm, and what appertained to the  
King, as well on this Side as beyond the Seas: And  
to repel, repair, and redress whatever should have been  
ill done against the Estate, Honour, and Profit of the  
King and Kingdom, and to do divers other Things  
necessary for the King and Realm, as in the Com-  
mission thereupon issued, and remaining of Record in  
Chancery, is contained. And that no Person should  
presume to counsel the King, or any way move him  
against the said Ordinance and Statute, on Pain of  
forfeiting, for the first Offence, all their Goods and  
Chattels; and Pain of Death, for the second: Such  
Expedient and Ordinance to be made if it would so  
please the King, and not otherwise. To which Or-  
dinance, or Statute, all the Judges of the Land agreed,  
and gave their Consent unto, and Advice for the same,

[ 421 ]

K. Richard II. ‘ as well in Presence of the King, as of the Lords,  
 ‘ And also, our Lord the King did fully give his Assent  
 ‘ to the same ; and thereupon the said Ordinance, Sta-  
 ‘ tute, and Commission, were made and accorded unto  
 ‘ by the Assent of the King, and of the said Lords and  
 ‘ Judges, and other Sages and Commons assembled in  
 ‘ that Parliament, for the Safety of the King, his Roy-  
 ‘ alty and Realm. And yet, after the End of the said  
 ‘ Parliament, the aforesaid Traitors and Malefactors, by  
 ‘ such their evil Encroachments, falsely and traiterously  
 ‘ did inform the King, That the said Ordinance, Sta-  
 ‘ tute, and Commission were made in Derogation of his  
 ‘ Royalty ; and that all those who procured or advised  
 ‘ the making thereof, or counselled the King to assent  
 ‘ thereunto, were worthy of Death, as Traitors to the  
 ‘ King.

[ 422 ]

XVII. ‘ That after this, the said Traitors, the Arch-  
 ‘ bishop, &c. caused the King to assemble a Council  
 ‘ of certain of the Lords Justices and others, without  
 ‘ the Assent or Presence of the said Lords of the Great  
 ‘ Council, to whom they made many Demands, and  
 ‘ very much suspicious, touching divers Matters, where-  
 ‘ by the King, the Lords, and the common People  
 ‘ have been involved in most grievous Trouble, the  
 ‘ whole Realm disquieted, and the Hearts of many  
 ‘ withdrawn from the King, saving their Allegiance.

XVIII. ‘ To accomplish the said High-Treasons,  
 ‘ the said Traitors, the Archbishop, &c. caused the  
 ‘ King to go with some of them throughout the Midst  
 ‘ of his Realm, and to make the Lords, Knights,  
 ‘ Esquires, and other good People, as well in Cities and  
 ‘ Boroughs, as in other Places, to come before him,  
 ‘ and there to become bound, some by Obligation,  
 ‘ others by their Oaths, to our said Lord the King, to  
 ‘ be with him against all People, and to accomplish the  
 ‘ Purpose of the King ; which, at that Time, was to ac-  
 ‘ complish the Will and Purposes of the said Malefac-  
 ‘ tors and Traitors, drawn in thereunto by their false  
 ‘ Contrivances, Flatteries, and Deceits : Which Secu-  
 ‘ rities and Oaths were made against the good Laws  
 ‘ and Usages of the Land, and contrary to the Oath of  
 ‘ the King, to the great Dishonour of the King and  
 ‘ Kingdom ; by Means of which Oaths so enforced,  
 ‘ the

the whole Realm was embroil'd in great Murmurs and K. Ricbard II.  
Trouble by the said Traitors, and in Danger to have  
suffered divers important Mischiefs.

XIX. ' To inforce their Purposes, the said Traitors  
caused the King to absent himself in the furthest Parts  
of his Realm, to the Intent that the Lords, appointed  
by the said Ordinance, Statute, and Commission, might  
not confer and advise with him touching the Affairs of  
the Realm: To the Interruption and Hinderance of the  
Purport and Effect of the said Statute and Commission,  
and great Prejudice of the King and Realm.

XX. ' The said Malefactors and Traitors, after they  
had estranged both the Person and Good-will of the  
King from the said Lords so commissioned, and that  
he esteemed them Traitors and Enemies, and that  
they had obtain'd the Opinions of the Judges suited  
to their wicked Purposes, did agree and design, That  
several of the Lords, and also divers loyal Commons,  
should be first arrested and then indicted in *London*  
and in *Middlesex*, and, by false Inquests, attainted of  
certain Treasons falsely imagined against them, and so  
put to shameful Death: To which Purpose they had  
procured an evil and false Person of their Conspiracy,  
called *Thomas Usk*, to be Under-Sheriff, by whose  
Means the said false Inquests were to be taken, and  
the wicked Design accomplished by Colour of Law.  
And, for the more compleat effecting thereof, they  
caused the King to send his Letters of Credence by  
*John Rypon*, a false Clerk, and one of their Crew, di-  
rected to the Mayor of *London*, That he should seize  
the Duke of *Gloucester*, and others therein named, to  
be indicted for certain Treasons, in such Manner as  
the said *Nicholas Brembre* the false Knight, and *John*  
*Blake*, who were thereof fully informed, should direct:  
By Virtue of which Letters of Credence, *Brembre* and  
*Blake* carried to the Mayor the said false Indictment,  
commanding him, on Behalf of the King, that to his  
Power he should promote the same: And also they or-  
dered, that a strong Watch should be set to seize the  
Duke of *Lancaster* upon his first Arrival.

[ 423 ]

XXI. ' The said Traitors having traiterously inform-  
ed the King, that he should believe that the said Or-  
dinance, Statute, and Commission, were made in De-



K. Richard II. 'rogation of his Royalty and Prerogative, did further  
'persuade him, that the same was made with an Inten-  
'tion to degrade, and finally to depose our Lord the  
'King: And perceiving that thereby he looked upon his  
'loyal Lords as Traitors and Enemies, they yet further  
'advised him, that by all Means possible, as well by the  
'Power of his own Liege People, as by the Force of  
'his Enemies, the *French* and others, he should destroy  
'and put to Death the said Lords and others, that as-  
'sented to the making of the said Ordinance, and that  
'the same might be done so privily that none should  
'know of it till it was done.

XXII. 'In order to these Treasons, by their Counsels,  
'they caused the King, to send Letters to his Enemy the  
'*French* King, some by *Nicholas Southwell*, Groom of  
'his Chamber, and others, by other Persons of base  
'Condition, as well Aliens as Denizens, requiring and  
'praying the said *French* King, that he would, with all  
'his Power and Counsel, aid and assist our Lord the King  
[ 424 ] 'to destroy and put to Death the said Lords and others,  
'whom they had so falsely represented as Traitors, to the  
'great Disturbance of the whole Realm.

XXIII. 'That, usurping to themselves Royal Power,  
'they caused the King to promise the *French* King, by  
'his Letters Patent and Messages, for such his Assistance  
'to accomplish the said Treason and Murder, to give  
'and surrender to the said *French* King the Town and  
'Castle of *Calais*, and divers other Forts and Places,  
'as *Brest*, *Cherburgh*, and others, &c. to the great Dis-  
'honour, Trouble, and Prejudice of the Realm.

XXIV. 'That, after this traiterous Contrivance, it  
'was agreed between our Lord the King and the *French*  
'King, by the Instigation and Influence of these Trai-  
'tors, that a Parley or Interview should be had in the  
'Marches of *Calais*, and a Truce of five Years between  
'the Realms of *England* and *France*: At which Inter-  
'view, by Treachery, the said Lords and others, whom  
'the King took for Traitors, attending him thither,  
'should there be slain. In order to which they procu-  
'red several Letters of Safe-Conduct from the said  
'*French* King, for the said Duke of *Ireland*'s going into  
'*France*, to accomplish this ill Purpose and Treason;  
'which Letters are ready to be shewn.

XXV.

XXV. ' That the said *Brembre*, by the Assent and K. *Richard II.*  
' Counsel of the said other Traitors, did come into  
' *London*, and, without the Assent or Knowledge of the  
' King, did cause all the Companies of the City to be  
' sworn to hold and perform divers Matters, as they  
' are contained in the said Oath, which is of Record in  
' Chancery: And, amongst other Things, that they  
' should hold with and maintain the Will and Purpose  
' of the King to their Power, against all that are or  
' shall be Rebels, or contrary to his Person, or Royal  
' Pleasure: And that they should be ready to destroy all  
' those which do or shall purpose Treason against our  
' said Lord the King, in any Manner; and be ready,  
' with their Mayor, to resist, during Life, all such Trai-  
' tors, &c. At which Time the King, by the Misin-  
' formation of the said Evil-doers and Traitors, and by  
' the false Answers of the Judges, did firmly hold the said [ 425 ]  
' Lords and others, who assented to the making of the  
' said Ordinance, Statute, and Commission, to be Re-  
' bels, Traitors, and Enemies unto him: By all which,  
' the said Traitors endeavoured to stir up the said People  
' of *London*, to destroy the said Lords and other loyal  
' Subjects.

XXVI. ' The said *Brembre*, and other Traitors to  
' the King and Realm, usurping to themselves Royal  
' Power, did, of their own Authority, without any War-  
' rant from the King or his Great Council, cause Pro-  
' clamation to be made thro' the City of *London*, That  
' none of the Liege Subjects of our Lord the King  
' should sustain, comfort, or aid *Richard* Earl of *Arun-*  
' *dele* and *Surry*, one of the Lords of the King's Great  
' Council, during the said Commission; nor sell him  
' any Armour, Victuals, or other Necessaries, on Pain  
' of being proceeded against as Rebels, carrying about  
' and shewing a Patent of the King's, but of another  
' Tenor, the better to compass such their false Procla-  
' mation.

XXVII. ' They also caused it to be cried and pro-  
' claimed in the City of *London*, That no Person should  
' be so hardy as to presume to speak any Ill, or utter  
' any Word or Expression against them the said Male-  
' factors and Traitors, or any of them, on Pain of for-  
F f 2                      ' feiting

K. Richard II. ' feiting all they had ; which was an Encroachment on  
' the Royal Power.

XXVIII. ' The said Archbishop, Chief Justice, and  
' other Traitors, caused the King to command his Coun-  
' cil to make certain Persons throughout *England* Sher-  
' riffs, who were named to him by them the said Trai-  
' tors, with an Intent to get such Persons as they should  
' name returned for Knights of the Shire to serve in Par-  
' liament ; and to keep out from thence Gentlemen good  
' and loyal, against the good Laws and Customs of the  
' Land.

[ 426 ]

XXIX. ' The said Traitors, during the Time that  
' the King had so taken both Parties into his Protection  
' as aforesaid, did falsly counsel and prevail with the  
' King to command, by his Letters, divers Knights and  
' Esquires, Sheriffs, and other Ministers of several Coun-  
' ties, to levy Men, and assemble all their Power to join  
' with the said Duke of *Ireland*, against the said three  
' Lords now appealing, suddenly to make War upon  
' and destroy them.

XXX. ' During the Time of the same Protection,  
' they caused the King, by his Royal Letters, to signify  
' to the said Duke of *Ireland*, not only that he and  
' others were appealed of Treason as aforesaid, but also  
' that he should have sufficient Power to guard him, and  
' come with him to the King : And afterwards caused  
' him to write again to the said Duke of *Ireland*, that he  
' should take the Field with all the Forces he could as-  
' semble ; and that the King would meet him with all  
' his Troops, and would expose and venture his Royal  
' Person : And that the King was in great Peril for  
' himself and his Realm, unless succoured and aided by  
' the said Duke : And that the said Duke should shew  
' and declare to all the People assembled with him,  
' That the King would bear and pay all Debts and Costs  
' of the said Duke of *Ireland*, and all that joined with  
' him. By Virtue of which Letters, and the evil and  
' traiterous Instigation as well of the said Duke, as of  
' his Adherents and other Traitors, the said Duke of  
' *Ireland* did actually levy and assemble great Numbers  
' of Men at Arms, and Archers, as well of the Counties  
' of *Lancaster*, *Cheshire*, and *Wales*, as of other Places  
' of the Realm, in warlike Manner, to destroy and put  
' to

‘ to Death the said Lords, who had consented to the K. Richard II.  
 ‘ making the said Ordinance, Act of Parliament, and  
 ‘ Commission, in Defence of the King and Realm.

XXXI. ‘ That, having thus traiterously levied Forces,  
 ‘ the said Duke marched with them through the Midst  
 ‘ of *England*, and, usurping the Royal Power, did cause  
 ‘ the King’s Banner to be displayed before him, contrary  
 ‘ to the Estate of the King, and of his Crown. In which  
 ‘ March the said Duke and his Accomplices were, by  
 ‘ the Grace of God, disturbed, and prevented from their  
 ‘ evil Purposes.

XXXII. ‘ That the said Duke of *Ireland*, by the  
 ‘ Counsel and Abetment of the rest of the fore-named  
 ‘ Traitors, encroaching to himself the Royal Power,  
 ‘ without the usual Commission of the King, or other  
 ‘ sufficient Warrant, did make himself Justice of *Chester*,  
 ‘ by him and his Deputies to hold there all Manner of  
 ‘ Pleas of the Crown, and thereupon to give Judgment  
 ‘ and award Execution : And also caused divers original  
 ‘ and judicial Writs to be sealed with the Great Seal of  
 ‘ the King in that Behalf used ; and thereby compelled  
 ‘ a great Part of the People of those Counties to join  
 ‘ with him, or otherwise put some of them to grievous  
 ‘ and tormenting Death, imprisoned some, and seized  
 ‘ the Lands of others, &c. And all this to make War  
 ‘ and destroy the said Lords and other loyal Subjects of  
 ‘ the King, and against the Defence of the Realm.

[ 427 ]

XXXIII. ‘ That the said Traitors have caused the  
 ‘ King to grant great Retinues to divers People, and give  
 ‘ them Badges and Ensigns otherwise than ever was used  
 ‘ in the Time of any of his Progenitors ; and this with  
 ‘ Design to gain greater Power to accomplish their  
 ‘ Treasons.

XXXIV. ‘ Fully to compleat all such their before-  
 ‘ mentioned and other Treasons, and to make the King  
 ‘ wholly confide in, and rely upon them and their  
 ‘ Counsels, they caused the King to call before him di-  
 ‘ vers Justices and People of the Law ; that is to say,  
 ‘ *Robert Tresilian, Robert Belknappe, John Cary, John*  
 ‘ *Holt, Roger Fulthorp, William Burgh*, six Justices,  
 ‘ *John Lockton*, Serjeant at Law, and *John Blake* ; of  
 ‘ whom he did, by the Contrivance of the said Traitors,  
 ‘ demand, Whether the before-mentioned Act of Par-



K. Richard II. 'liament and Commission were made in Derogation of  
' his Royalty and Prerogative or not? And several other  
' Questions; to which they answered in Manner and  
' Form before set forth, &c.'

Proceedings  
thereupon.

This Impeachment was exhibited the 3d of *February*, as has been said, being the first Day of the Parliament, when the Lords Appellants also affirmed, 'They were ready to prove 'every Article of it, as should be awarded 'in Parliament, to the Honour of God, and the Advan-  
' tage and Profit of the King and the whole Realm.'

[ 428 ]

Whereupon all the Persons appealed were, by Com-  
mand of the King and Lords, solemnly summoned in the Great Hall at *Westminster*, as also at the Gates of the said Palace, to come in and answer the said Appellants; but upon their Non-Appearence, the said Duke and Lords Appellants prayed that their Default might be recorded. Then, upon the said Appellants alledging, That the Accused had full Notice of the said Appeal<sup>a</sup>, and the King and Lords being satisfied it was so, by reason they did not appear, their Default was recorded accordingly; whereupon the said Duke and Earls Appellants prayed the King and Lords, 'That they might 'be adjudged and convicted of the Treasons contained 'in the said Appeal;' the King commanded the Peers to examine into the Articles severally, which they did, with great Labour and Diligence, untill the 13th of *February*.

During this Interval, the Justices, Serjeants, and other Sages of the Law, both of the Realm and of the Civil Law, were charged by the King to give their faithful Advice to the Lords of Parliament, how they ought to proceed in the said Appeal. Who answered, 'That 'they well understood the Tenor of the said Appeal; 'and affirmed, That it was not made nor brought ac-  
' cording as the one Law or other required.' Upon which, the said Lords of Parliament having taken Deliberation and Advice, it was, by the Assent of the King, with their common Accord, declared, 'That, in so high  
' a Crime as is laid in this Appeal, and which touches  
' the

<sup>a</sup> A Proclamation, also upon the Appeal of the Lords, had been sent by the King to all the Sheriffs in *England*. commanding the accused Lords, &c. to appear and answer to the Charge at the ensuing Parliament. Dated at *Westminster*, January 4. *Fæd. Ang. Tem.* VII. p. 567.

‘ the Person of the King, and the Estates of this Realm, *K. Richard II.*  
 ‘ and is perpetrated by Persons who are Peers thereof, to-  
 ‘ gether with others, the Cause cannot be tried elsewhere  
 ‘ but in Parliament, nor by any other Law or Court,  
 ‘ except that of Parliament; and that it belongs to the  
 ‘ Lords of Parliament, and to their free Choice and Li-  
 ‘ berty, by antient Custom of Parliament, to be Judges  
 ‘ in such Cases, and to judge of them by the Assent of  
 ‘ the King; and thus it shall be done in this Case, by [ 429 ]  
 ‘ Award of Parliament, because the Realm of *England*,  
 ‘ is not, nor ever was, (neither is it the Intent of the  
 ‘ King and Lords of Parliament that it shall ever be)  
 ‘ ruled or governed by the Law Civil; and therefore it  
 ‘ is not their Intent otherwise to proceed in so high a  
 ‘ Case as this Appeal, which cannot be tried or deter-  
 ‘ mined any where else than in Parliament; since the  
 ‘ Process or Order used in inferior Courts, is only as  
 ‘ they are intrusted with the Execution of the antient  
 ‘ Laws and Customs of the Realm, and the Ordinances  
 ‘ and Establishments of Parliament; and it was the  
 ‘ Judgment of the Lords of Parliament, by Assent of the  
 ‘ King, that this Appeal was well and duly brought,  
 ‘ and the Process upon the same was good and effectual,  
 ‘ according to the Laws and Course of Parliament, and  
 ‘ by which they will award and judge it.’

Upon this the Appellants again moved the King and Lords to record their Default; and that *Nicholas Brembre*, who was the only Person in Custody, might be brought to answer. Then the other Persons appealed were again summoned to come in and make Answer, but they did not appear; nevertheless the King and Lords took Time to deliberate ’till next Day, being the 14th of *February*, at which Time the said Appellants again prayed that the Default of the Appealed might be recorded; which was done accordingly.

After which the Archbishop of *Canterbury*, in Behalf of himself, and all other the Suffragan Bishops, with the Abbots, Priors, and other Prelates, holding of the King by Barony, made Protestation, and delivered it in Writing, ‘ For the saving of their Right of  
 ‘ Peerage, and sitting and voting in Parliament, not-  
 ‘ withstanding they could not now be there, by reason  
 ‘ of certain Matters then in Agitation, at which, by  
 ‘ the

The Bishops  
 withdraw, but  
 first enter their  
 Protestation.

K. Richard II. ‘ the Cannons, they could not be personally present.’ The like Protestation was made by the Bishops of *Durham* and *Carlisle*, *mutatis mutandis*; which Protestation being, at the Instance of the Archbishop and other Prelates, read in full Parliament, was, by the Command of the King, and Assent of the Lords Temporal, enter’d in the Rolls of Parliament.

[ 430 ] On the 15th of *February*, the King and Lords of Parliament being met again in the *White Hall*, the said Appellants prayed that the last Default of the said Archbishop, Duke, and Earl, with *Robert Tresilian*, should be recorded. Then the Persons accused being again summoned a third Time, and not appearing, the Lords proceeded to Judgment, and declared, ‘ That divers of ‘ the Articles therein contained were Treason, as the ‘ first, second, tenth, eleventh, fourteenth, sixteenth, ‘ seventeenth, twenty-second, twenty-third, twenty- ‘ fourth, twenty-ninth, thirtieth, and thirty first Articles;’ and then, upon due Information of their Consciences, they pronounced the said Archbishop, Duke, and Earl, with *Robert Tresilian*, ‘ To be notoriously guilty of each ‘ of the said Articles that concerned them; and that they ‘ were also culpable in all the rest of the Articles contained in the said Appeal, not yet declared Treason.’

Then, in Presence of the King and Lords assembled, at the Day and Place aforesaid, the said Duke and Earls Appellants prayed the King, and Lords there present, ‘ That the Persons so appealed as aforesaid should be ‘ adjudged convicted of the High Treason contained in ‘ the said Appeal.’ Wherefore the said Lords of Parliament there present, as Judges of Parliament in this Case, by Assent of the King, pronounced their Sentence, and did adjudge the said Archbishop, Duke, and Earl, with *Robert Tresilian*, so appealed as aforesaid, ‘ To be guilty

The Archbishop ‘ and convicted of Treason, and to be drawn and hanged  
of York, the Duke ‘ as Traitors, and Enemies to the King and Kingdom,  
of Ireland the ‘ and that their Heirs should be disinherited for ever,  
Earl of Suffolk, ‘ and their Lands and Tenements, Goods and Chattels,  
and Sir Robert ‘ forfeited to the King; and that the Temporalities of  
*Tresilian*, declared ‘ the Archbishop of York should be taken into the King’s  
guilty of ‘ Hands :’ And because the like Case had not been seen  
High Treason. ‘ in the Kingdom, concerning the Person of an Archbi-  
shop, or Bishop, the Lords would advise by the As-  
sent

sent of the King what they should best do, for the Honour of God, and of Holy Church, and the Safety of the Laws of the Land about him. K. Richard II.

Then the Duke and Earls Appellants prayed that Sir *Nicholas Brembre* might be brought to answer; and, on *Monday* the 17th of *February*, the Constable of the Tower brought him into the Parliament, where the Articles of Appeal were read before him, to which he pleaded not Guilty in any Point, and said, ‘He was there ready to make good what he said by his Body, as a Knight ought to do.’ The Lords answered, ‘Battle did not lie in that Case, and that they would examine the Articles touching the said *Nicholas*, and take true Information by all true, necessary, and convenient Ways, that their Consciences might be truly directed what Judgment to give in this Case, to the Honour of God, the Advantage and Profit of the King and his Kingdom, and as they would answer it before God, according to the Course and Law of Parliament.’

[ 431 ]

During this Examination, on *Wednesday* the 19th of *February*, Sir *Robert Tresilian* was taken, being concealed in an Apothecary’s House in *Palace-Yard*, and brought into Parliament; who being asked if he had any Thing to say which had happen’d since Judgment had pass’d upon him, why Execution should not be done? and he having nothing to say, it was commanded ‘That he should be carried to the Tower, and from thence drawn upon a Hurdle thro’ the City of *London*, to the Gallows at *Tyburn*, and there to hang by the Neck; and that the Execution should be done upon him by the Marshal of *England*, taking to his Assistance the Mayor, Sheriffs, and Aldermen of *London*.’ And he was executed the same Day accordingly.

Sir Robert Tresilian hang’d.

On the Morrow, which was the 20th Day of *February*, Sir *Nicholas Brembre* was brought into Parliament, and the Lords, upon diligent Examination, due Proof and Information, found him also guilty of High Treason, and they awarded, by Assent of the King, ‘That, as a Traitor and open Enemy to the King and Kingdom, he should be drawn and hang’d, his Heirs for ever disinherited, and his Lands and Tenements, Goods and Chattels, forfeited to the King.’ He was executed

Also Sir Nicholas Brembre.



**K. Richard II.** on the same Day accordingly, and in the same Manner as was *Sir Robert Tresilian*.

[ 432 ] It was then resolved to be the Intention of the Lords of Parliament, Spiritual and Temporal, as well the Lords Appellants as all others, and by them agreed, *That considering the tender Age of the King before that Time, and the Innocency of his Royal Person, nothing contained in the Appeal, nor in any Article thereof, nor in the Judgment given, should be accounted any Fault or Dishonesty in his Person, in any Manner, for the Causes abovesaid, nor should turn in Prejudice of his Person by any Imagination or Interpretation whatever ; but that the false Treason and Default abovesaid should be charged upon the Appealed, and that the Judgments given against them should have full Force and Virtue, notwithstanding any Thing that could be said or alledged to the contrary.*

Resolution of  
Parliament for  
saving the King's  
Honour.

*Sir Robert Belknappe*, Chief Justice, and several others, impeached.

On the 2d of March, *Sir Robert Belknappe*, late Chief Justice of the Common Bench, *Sir Roger Fulthorp*, *Sir John Holt*, and *Sir William Burgh*, late his Companions of the same Bench ; *Sir John Cary*, late Chief Baron of the Exchequer, and *John Lockton*, late Serjeant to the King, were accused and impeached by the Commons in Parliament, ' for putting their Hands and Seals ' to the Questions and Answers given at *Nottingham* ' as aforesaid, by the Procurement of the said appealed ' and convicted Persons of Treason, to cover and affirm ' their High Treasons, &c. a Copy whereof was exhibited and read before them, and that Questions were ' answered, as was surmised by the Commons in the ' said Copy ;' To which the Appealed replied, ' They ' could not deny but that the Questions were such as ' were then asked them, but the Answers were not such ' as they put their Seals to.

But *Sir Robert Belknappe* pleaded in particular, ' That ' the Archbishop of *York*, in his Chamber at *Windsor*, ' told him, that he had devised and drawn up the Commission and Statute, whereby the Government was ' wholly taken out of the King's Hands, and that he ' therefore hated him above all Men, and that if he ' found not some Way to make void the said Statute ' and Commission, he should be slain as a Traitor.' He answer'd, ' That the Intention of the Lords, and such as ' assisted at the making of them, was, that they should ' be

‘ be for the Honour and good Government of the State K. Richard II.  
 ‘ of the King and Kingdom : That he twice parted from [ 433 ]  
 ‘ the King dissatisfied, and was in doubt of his Life,  
 ‘ and said these Answers proceeded not from his Good-  
 ‘ will, but were made against his Mind, and were the  
 ‘ Effects of the Threats of the Archbishop of York,  
 ‘ Duke of Ireland, and Earl of Suffolk ; and that he  
 ‘ was sworn and commanded in the Presence of the King,  
 ‘ upon Pain of Death, to conceal this Matter, as the  
 ‘ Council of the King ;’ and prayed for the Love of  
 God he might have a gracious and merciful Judgment.

Sir *John Holt* alledged the same Matter of Excuse,  
 and made the same Prayer, so did Sir *William Burgh*  
 and Sir *John Cary* ; who all made the same Excuse,  
 and the same Requests, as did also Sir *Roger Fulthorp*  
 and *John Lockton*, Serjeant at Law.

To all which the Commons answer’d ‘ They were  
 ‘ taken and holden for Sages in the Law, and the King’s  
 ‘ Will was, that they should have answer’d the Que-  
 ‘ stions as the Law was, and not otherwise, as they  
 ‘ did, with Design, and under Colour of Law, to mur-  
 ‘ der and destroy the Lords and loyal Lieges, who  
 ‘ were aiding and assisting in making the Commission  
 ‘ and Statute in the last Parliament, for the good Go-  
 ‘ vernment of the State of the King and Kingdom ;’  
 and therefore the Commons pray’d that they may be ad-  
 judged, convicted, and attainted as Traitors.

Upon which the Lords Temporal took Time to exa-  
 mine the Matter and Circumstances of it ; ‘ and for  
 ‘ that they were present at the making of the said Sta-  
 ‘ tute and Commission, which they knew were con-  
 ‘ trived for the Honour of God, and for the good Go-  
 ‘ vernment of the State of the King and whole King-  
 ‘ dom ; and that it was the King’s Will they should  
 ‘ not have otherwise answer’d them than according to  
 ‘ Law, and had answer’d as before :’ They were, by the  
 Lords Temporal, by the Assent of the King, adjudged  
 ‘ to be drawn and hang’d as Traitors, their Heirs dis-  
 ‘ herited, and their Lands and Tenements, Goods and  
 ‘ Chattels, to be forfeited to the King.’

They are sen-  
 tenced to be  
 hang’d ;

The next Day *John Blake* and *Thomas Usk* were  
 brought into Parliament ; and first *John Blake* was im-  
 peached by the Commons, ‘ That being retained of  
 ‘ Counsel

[ 434 ]

K. Richard II. ' Counsel for the King, he drew up the Questions to  
 ' which the Justices made Answer, and contrived with  
 ' the Persons appealed, that the Lords and other the  
 ' King's loyal Lieges, that caused the said Commission  
 ' and Statute to be made in the last Parliament, should  
 ' be indicted in *London* and *Middlesex* for Treason; and  
 ' that they should be arrested, and traiterously and wick-  
 ' edly murdered; and that he was aiding and advising  
 ' in the Treasons aforesaid, with the Appealed already  
 ' executed.'

Then *Thomas Usk* was accused, ' for procuring him-  
 ' self to be made Under-Sheriff of *Middlesex*, to the  
 ' End to cause the said Lords and loyal Lieges to be  
 ' arrested and indicted, as had been said before, and was  
 ' aiding and counselling the Appealed in the Treasons  
 ' aforesaid.'

*John Blake* answered, ' That he was retained of Coun-  
 ' sel for the King by his Command, and sworn to keep  
 ' secret his Advice, and whatever he did it was by the  
 ' King's Command, whom he ought to obey; and *Tho-*  
 ' *mas Usk* gave the same Answer. Whereupon the  
 ' Lords Temporal took Deliberation untill the Mor-  
 ' row, when the said *John* and *Thomas* were again  
 ' brought into Parliament; and the Lords pronounced  
 ' them guilty of the Things whereof they were accused.  
 ' And, ' whereas they alledged for their Excuse the King's  
 ' Command, it made the Crime the greater, for that  
 ' they knew well that the Persons appealed and con-  
 ' demned had encroached to themselves Royal Power;  
 ' and it was their Command and not the King's.' Then  
 ' the Lords awarded, by Assent of the King, ' That they  
 ' should both be hang'd and drawn as Traitors and  
 ' open Enemies to the King and Kingdom, and their  
 ' Heirs disinherited for ever, and their Lands and Tene-  
 ' ments, Goods and Chattels, forfeited to the King;  
 ' and they were executed the same Day.

On the 6th of *March*, Sir *Robert Belknappe*, Sir *Roger*  
*Fulthorp*, Sir *John Holt*, Sir *William Burgh*, Sir *John*  
*Cary*, and *John Lockton*, were brought into the Parlia-  
 ' ment, and the Lords were satisfied, ' That they were  
 ' at the making of the said Commission and Statute in  
 ' the last Parliament, and Sir *John Cary* knew well  
 ' they were made to the Honour of God, and the good  
 Govern-

'Government of the State of the King and the whole Kingdom,' and so on, [as in the other Processes] and they had Judgment again passed upon them as before. But at that very Time came in the Archbishop of *Canterbury*, and all the Bishops of both Provinces, and prayed the Lords Temporal, 'That the Execution, as to their Lives, might be respited, so that they might obtain their Lives of the King;' who thereupon ordered Execution should be stayed, and granted them their Lives: But as to the other Part of their Sentence, 'That was to remain in Force, and their Bodies to be in Prison during the King's Pleasure, untill, by Advice of the Lords, he should direct otherwise.'

But have their  
Lives granted  
them at the Re-  
quest of the Bi-  
shops.

The same Day *Thomas* Bishop of *Chichester*, the King's Confessor, was impeached and accused by the Commons, 'That he was present at the Places and Times when the said Questions were put to the Justices, &c. and the Answers made, and excited them, by Threats, to answer as they did, and knew the false Purposes and Treasons designed by the Traitors adjudged, and aided and assisted them, and would not make Discovery to any of the Lords that caused the said Commission to be made last Parliament, where- by Remedy might have been had for the Safety of the King and Kingdom.' To which the Bishop answered, 'That, of his own free Will, he had not excited them to do or say any Thing;' and further said, 'They were not excited or charged to say any Thing but what the Law was; and touching the Concealment of the Treason, he had made such Assurance as he could not discover.' And said further, 'That the Traitors were about the King, and had such Power over him before, that he had not so great Interest in the King, as to prevent those Mischiefs that now came upon him.' The Commons replied, 'He had upon the Matter confessed himself guilty, and prayed he might be attainted.' Upon this Answer of the Bishop, the Replication of the Commons, and all Circumstances of the Accusation, the Lords took Time to give such Judgment as might be for the Honour of God, and Profit of the King and Kingdom.

[ 436 ]

On



K. Richard II.

On the 12th *Simon Burley*<sup>a</sup>, *John Beauchamp* of Holt, *John Salisbury*, and *James Berners*, Knights, being brought into Parliament, they were, at the Instance of the Commons, impeached.

The Articles exhibited against them were sixteen ; the first Article in the Appeal, was the first Article in the former Impeachment. In the second Article they were accused ' as Traitors and Enemies of the Kingdom, for that they knew of all the Treasons in the Appeal mentioned, and that they were aiding, assisting, counselling, and assenting to all the Traitors attainted ; and that *Simon Burley* and *John Beauchamp* were principal Actors in all the said Treasons.' In the eighth Article they were accused ' for conspiring and designing, with the five Persons appealed, to destroy and put to Death those who were assenting to the making of the said Commission and Statute in the last Parliament : ' To which they all pleaded Not Guilty. The Commons replied, ' They were guilty,' and the Lords took Time to examine and consider the Impeachment. Upon this, and the Bishop of *Chichester's* Impeachment, the Lords Temporal adjourned till the 5th of May, when Sir *Simon Burley* being brought into the Parliament, was, by the Lords, after due and sufficient Examination and Information, found guilty of Treason. Besides the Articles before-mentioned, he was charged ' with advising the King to entertain in his Household great Numbers of Aliens, *Bohemians* and others ; and ' to give them large Gifts out of the Revenues and Profits of the Realm, whereby the King is greatly impoverished, and the People otherwise oppressed.' For which he was sentenced to be drawn and hanged, and his Head cut off, and all his Lands and Tenements, Goods and Chattels, to be forfeited to the King. But his Majesty remitted his drawing, hanging, and quartering, because he was a Knight of the Order of the Garter, so his Head was only severed from his Body the same Day upon *Tower-Hill*.

Sir S. Burley, Sir J. Beauchamp, and Sir J. Berners, beheaded.

[ 437 ]

*John Salisbury*, *John Beauchamp*, and *James Berners*, Knights, had the same Judgment as Sir *Simon Burley* ; but the two latter were beheaded.

At

<sup>a</sup> *Simon de Burley* is a Name contracted from *Beverley* ; for it is wrote so sometimes on the Record.

At the same Time was the Bishop of *Chichester* sent K. Richard II. for into Parliament, where the Lords Temporal found him guilty of Treason, as it was laid in the Impeachment, and, by Assent of the King, they awarded his Heirs should be disinherited, his Lands and Tenements, Goods and Chattels, forfeited to the King, and the Temporalities of his Bishoprick seized into the King's Hands; but as to his Person, the Lords would advise what to do for the Honour of God and Holy Church, and the Safety of the State of Prelacy, and of the Laws of the Land.

Then it was resolved, ' That this Bishop, Sir *Robert Belknappe*, Sir *Roger Fulthorp*, Sir *John Holt*, Sir *William Burgh*, Sir *John Cary*, and *John Lockton*, The Bishop of Chichester and the Judges banished to Ireland. should be all sent into *Ireland*, to several Castles and Places, there to remain during their Lives <sup>r</sup>. Sir *Robert Belknappe* and Sir *Roger Fulthorp* to be allowed forty Pounds a Year; Sir *John Holt* and *William Burgh*, forty Marks a Year; Sir *John Cary* and *John Lockton*, twenty Pounds a Year of the King's Gift, and each of them to have two Servants to wait on them: And that the Bishop of *Chichester* should have annually forty Marks for his Sustenance during his Life, if any of his Friends would give it him. These Pensions were somewhat enlarged, and Care taken how they should be paid, by an Act in Parliament of the 13th of this Reign <sup>s</sup>.

Upon a Petition of the Commons, ' the said Ordinance and Commission made the last Year were confirmed, [ 438 ] and likewise all that was done in that Parliament; and also what the Duke of *Gloucester*, Earls of *Warwick*, *Arundele*, *Derby*, and *Marshal*, or any of them had done, or any of their Company, or their Adherents, or any of them, by their Assemblings, Ridings, or marching in Arms, Appeals, or Pursuits, as Things done to the Honour of God, the Safety of the King, Maintenance of his Crown, and Support of the whole ' King-

<sup>r</sup> The King's Writ to the Guardians of his Port at *Chester*, &c. to suffer the banished Judges to embark and see them settled in their respective Places of Banishment in *Ireland*, is also in the *Public Acts*; and they had Allowances made them, towards the Expences of their Passage, out of the Exchequer. *Rymer's Fœd.* Tom. VII. p. 597.

<sup>s</sup> The Earl of *Suffolk* died in Exile at *Paris*, bequeathing such Riches as he had there to *Robert Duke of Ireland*, who lived some Years longer in Banishment, and at last died in *Brabant*. *Speed's Chron.* 604.

K. Richard II. ' Kingdom; and also, in Pursuance of the same Petition,  
' had a full Pardon for all Things that they had done or  
' committed.

Upon a second Petition of the Commons, ' all those  
' that had been of the Retinue, Company, Aid, Coun-  
' sel, Assent, or Adherence of them that were attainted  
' or judged in this Parliament, for all Things they had  
' done, were pardoned, except those therein named.'

A third Petition was delivered by them in the same  
Parliament, ' That the Appeals, Pursuits, Accusations,  
' Process, Judgments, and Executions made and given  
' in this Parliament, should be approved, affirmed, and  
' established, notwithstanding the Lords Spiritual were  
' absent; and that, by Imagination, Interpretation, or  
' any other Means, none of the same be reversed, bro-  
' ken, or annulled in any Manner; and whosoever  
' should endeavour to break, annul, or reverse any of  
' them, should be adjudged to have Execution as a  
' Traitor, provided always that this Acceptance, Ap-  
' probation, Affirmance, and Establishment, touching  
' Appeals, Pursuits, Accusations, Process, Judgments,  
' and Executions be in Force in this Case only, and that  
' they be not drawn into Example or Consequence for  
' the future. And divers Points were declared for Trea-  
' son in that Parliament, which were not declared by  
' Statute before; yet no Justice should have Power to  
' give Judgment in other Cases of Treason, nor in other  
' Manner than they had before the Beginning of this  
' Parliament.'

[ 439 ]

Another Petition was, ' That none of the Traitors  
' attainted by the Appeal or Accusations of the Com-  
' mons, who were then alive, should ever be restored to  
' the Law, by Pardon or any other Manner, saving the  
' Grace and Pardon that was made in this Parliament;  
' and any one that should endeavour to have such a  
' Thing done, should be judged, and have Execution,  
' as a Traitor.'

The Answer to all these Petitions was, *That the King,  
by the Assent of the Lords and Commons, granted their  
Petitions in all Points, and willed his Grant should be  
firm and stable, according to the Contents of the Petitions,  
without Blemish, for ever.*

Then

Then the Commons prayed the King, ' That, for K. Richard II.  
' the securing of Peace and Quiet for the future in all  
' Parts of the Nation, he would please to renew his  
' Coronation Oath, and that the Prelates might renew  
' their Fealty, and the Lords Temporal their Homage,  
' notwithstanding they had done it before; which was  
' also assented to.'

The Preparation and Introduction to this Great Ceremony was with the Mass of the Holy Ghost, sung in the Church of *Westminster* on the 3d of *June*, being the 121st Day of the Parliament. After Mass was ended, and a Sermon preached by the Archbishop of *Canterbury*, the King, of his free Will, renewed his Coronation Oath, with great Solemnity, in the said Church; at which Time the Prelates swore Fealty to him, and the Temporal Lords did him Homage; after which the Prelates, Lords, and Commons openly took a new Oath, as followeth:

*YOU shall swear that you will not assent, nor suffer, as much as in you lies, that any Judgment, Statute, or Ordinance, made in this present Parliament, shall in any Manner be annulled, reversed, or appealed, in any Time to come; and further, that you will support the good Laws and Usages of the Kingdom, and, to your Power, firmly keep, and cause to be kept, the good Peace, Quiet, and Tranquillity of the Kingdom, without disturbing it in any Manner. So God you help, and the Holy Saints.* Both Houses swear to support the same without Reversal,

Then the Archbishop of *Canterbury* and Prelates excommunicated all such as should break the Peace and Quiet of the Realm, and do contrary to this Oath, which was not only taken by every Member of both Houses, but also imposed upon all Gentlemen and dignified Persons of the Clergy in all Counties in *England*; and upon all the Mayors, Bailiffs, and Aldermen of Cities, Boroughs, and Towns, by the King's Writ directed to the Sheriff; and one special Commissioner to administer it. [ 440 ]

Thus ended this famous Parliament, called, by some Historians, *The Parliament that wrought Wonders*, by others, *The merciless Parliament*, after a longer Session than any we have yet met with, having sat, with a short

All the principal Persons in the Kingdom required to take the new Oath, and the Breakers thereof excommunicated.



**K. Richard II.** Prorogation, near five Months. The three Estates of the Realm parted seemingly in very good Humour; the Lords and Commons gave their most humble Thanks to the King for his great Justice done; and his Majesty, by the Chancellor, returned the Compliment for their liberal Grants: After which the Knights and Burgesſes were ordered to ſue out Writs for their Expences, which would, in all, amount to a very conſiderable Sum in thoſe Days.

The King, notwithstanding the Severity uſed againſt his Miniſters in the laſt Parliament, thought fit to call another the very ſame Year, on the Day after the Nativity of the Bleſſed Virgin, or *September 9*, to meet at *Cambridge*. So we are told by old Hiſtorians; but as **Anno Regni 12.** there is no Entry of ſuch on the Rolls, and only the **1389.** Summons to the Peers given in the Abridgement of them, we much doubt whether this was a Parliament or only a Great Council of Peers called together, as had been uſed before on ſome Occaſions. But, however this may be, *Henry Knyghton* calls it a Parliament, and ſays there was granted to the King in it half a Tenth from the Clergy, and half a Fifteenth from the Laity, in order to carry on the War againſt *Scotland* for the next Year.

**At Cambridge.**

Mr. *Collier* writes, that a Fifteenth was given by the Laity this Parliament, on Condition the Clergy would grant a Tenth: But that the Archbiſhop and his Suffragans, looking upon this Precedent as a new Incumbrance upon their Property, reſuſed to be tied to it; upon which the Conditional Clauſe was thrown out of the Bill \*.

It is ſaid alſo that ſeveral new Statutes were made for the common Benefit of the People, and others renewed which had been enacted in the Time of *Edward III.* the preſent King's Grandfather; particularly the Statutes of Labourers and Day-Servants; of Bailiffs and all Sheriffs' Officers; of Provifors againſt going out of the Land to the Pope, to procure the Grant of any Benefices in *England* without the King's Leave, on Penalty of being put out of his Protection; againſt Beggars; and againſt riding armed, and giving of Liveries to great Retinues; and, laſtly, about regulating Apparel ſuitable to every Man's diſtinct Rank and Quality. This laſt

[ 441 ]

Affair,

\* *Collier's Eccleſiaſtical Hiſtory*, Vol. I. p. 591.

Affair, *Knyghton* says, was absolutely necessary at that *R. Richard II.* Time; for there was so much Pride amongst the common People in vying with one another in Dress and Ornaments, that it was scarce possible to distinguish the Poor from the Rich, the Servant from the Master, or a Priest from another Man. The whole Statute itself, relating to these Things, and in its original Language, may be found in that Author <sup>f</sup>.

Affairs went on very quietly for some Time; but the King, coming of Age, took Occasion to declare it in Council <sup>g</sup>, and told them, *That since he was now capable of managing his Inheritance himself, it was not fit that he should be in a worse Condition than any Subject in his Kingdom, or any common Heir to an Estate.* It is well known, added he, *that for many Years I have lived under your Tutelage and Governance, and for the Pains you have taken therein we thank you; but now, having attained to our legal Age, we are resolved to be no longer in Ward; but to take the Government of the Realm into our own Hands, to appoint such Officers and Ministers as we think fit, and to remove others at our Pleasure.* Accordingly, to give them a Taste of his Power and Authority, he removed the Chancellor and the other Great Officers from their Places: He likewise dismissed his Uncle Gloucester and the Earl of Warwick from the Council Board, displaced the Earl of Arundele from being Admiral, tho' entrusted with that Charge by Parliament, and gave it to a new Favourite, the Earl of Huntingdon. In all this, says one Author, the King, tho' he was at Age, yet shewed himself a Minor in the Art of Governing, by making so bad a Choice of new Ministers and Favourites, as in a short Time brought the Nation into great Confusion <sup>h</sup>.

The King declares himself of full Age.

This Affair happened in May, 1389, and the same Year Writs were issued out, dated December 6, for the calling a Parliament to meet at Westminster about the Middle of January following. William of Wickham, Bishop of Winchester, the new Lord-Chancellor, by the King's Command, opened the Cause of the Summons to the Estates, 'Declaring the King to be of full Age, and that he intended to govern his People in Peace and

[ 442 ]

Anno Regni 13.  
1390.

At Westminster,

G g 2

Quiet;

<sup>f</sup> *Knyghton*, col. 2729, &c.

<sup>g</sup> *Ibid.* col. 2735. Sir John Hayward, p. 29.

<sup>h</sup> *Tyrrel*, p. 938.

K. Richard II. 'Quiet; to do Justice and Right to all Men; and that  
' both Clergy and Laity should enjoy all their Liberties.'  
He further told them, 'That the Kingdom being envi-  
' roned with Enemies in *France, Spain, and Guienne* on  
' one Side, and *Scotland and Ireland* of the other, it was  
' now their Business to consult which Way Peace was  
' to be had, or a proper Defence made against them:  
' Likewise how an Aid was to be had to sustain the  
' Charges thereof, without which nothing could be done.'

*January* the 20th, being the fourth Day of this Par-  
liament, the Bishop of *Winchester* delivered up the Seals  
of his Office to the King, before both Houses; as did  
also the Bishop of *St. David's*, being Treasurer, the  
Keys of the Exchequer; and prayed that they might be  
discharged. After which Resignation it was openly de-  
clared, in full Parliament, 'That if any Person could  
' justly complain of any illegal Action, or any Thing  
' done amiss by them in their several Offices, they might  
' freely do it.' But when both the Lords and Commons  
answer'd, 'That they knew nothing amiss against them,  
' and that they had behaved themselves well in their re-  
' spective Offices,' the King thereupon delivered back the  
Seal and the Keys of the Exchequer, to the aforesaid Bi-  
shops, and also received all those to be his Counsellors  
that were so before, together with his Uncles of *Lan-*  
*caster* and *Gloucester*. However, he thought proper to  
make a Protestation, *That, for any Thing then done, he*  
*would keep or remove any of those Counsellors at his Pleasure.*

The Proceedings of this Parliament, after what is  
past, turn wholly on trying Causes about private Affairs,  
untill *Wednesday* the 2d Day of *March*, when the Lords  
and Commons granted the King, for the Defence of the  
Realm, an Aid, which consisted in the following Subsi-  
dies, to continue for one Year; that is to say, on every  
Sack of Wooll exported out of the Realm, beside the  
antient Custom of half a Mark, 33 s. 4 d. of Denizens,  
and 36 s. 8 d. of Aliens; of every Last of Leather ex-  
ported, above the old Duty of one Mark, five Marks of  
Natives, and five Marks and a Half of Strangers; and  
of every 240 Wooll-fells, &c. above what was paid of  
half a Mark, 33 s. 4 d. of Denizens, and 36 s. 8 d. of  
Aliens; of every Ton of Wine exported or imported, 3 s.  
and of all other Merchandizes, except what is mention'd

above,

A Subsidy.

above, and excepting Victuals, Cloaths, and Harness carrying to the Garrisons of *Berwick, Roxburgh, and Jedburgh*, 6 d. per Pound. That a Treasurer should be appointed to receive and keep the said Subsidies, and that they shall not be expended, but on Account of War, and in Defence of the Kingdom, as he would answer it in the next Parliament.

The next Day the King created *John* Duke of *Lancaster* Duke of *Aquitain* in *Normandy*, with the Consent of the Prelates, Lords Temporal, and Commons; to hold the said Dukedom of the King, saving only to his Majesty, as King of *France*, the direct Dominion, Superiority, and Resort of the said Duchy. The Ceremony was performed in full Parliament, by investing him with a Cap, a Coronet, and a Ducal Rod. The Duke paid Homage to the King, and humbly thanked him for the great Honour he did him; but at the same Time declared, That though he could not maintain the State of the Dukedom, in Time of War, without the Aid of the King and Realm, however he would do what he could to the utmost of his Power. Whereupon the King told the Duke, *That the Charges should be borne as he and his Council could agree.* To which the Commons willingly assented <sup>i</sup>.

At this Time also, by Consent of Parliament, the King created *Edward*, eldest Son to the Duke of *York*, Earl of *Rutland*, and gave him, towards the Support of this Dignity, and during his Father's Life, 800 Marks yearly, issuing out of the Castle, Town, and Demesnes of *Okeham*, in that County, with the Office of Sheriff.

The two Archbishops of *Canterbury* and *York*, for themselves and the whole Clergy of their Provinces, made Protestation in open Parliament, 'That they neither intended or would assent to any Statute or Law to be made against the Pope's Authority;' which Protestation, at their Request, was entered upon the Roll <sup>k</sup>.

The Bishops protest against any Law for restraining the Pope's Power.

### G g 3 Some

<sup>i</sup> The Style of the Duke of *Lancaster*, after this, was *John*, the Son of the King of England, Duke of *Guienne* or *Aquitain*, and *Lancaster*, Earl of *Derby*, *Lincoln*, and *Leicester*, and *Steward* of England. *Abridg.* 343.

<sup>k</sup> It appears by the King's Writ, directed to the Archbishop of *Canterbury*, preserved in the *Public Acts* under this Title, *Contra Novitates et Impositiones Papales*, that an Inhibition was issued out against those Exactions. and the Penalty expressed, as by Act of Parliament, that the Collectors of them should be adjudged, and suffer Death, as Traitors. This Writ is dated *Off. 20, An. Reg. 13, 1389. Fed. Ang. Tom. VII. p. 644.*



K. Richard II. Some Historians write, that an Act was passed in this  
 [ 444 ] Parliament, which, amongst other Things, prohibited the King from extending his Pardon to any Persons convicted of Murder; and a Penalty awarded against any that should solicit the King thereto, *viz.* That if it was a Duke or Archbishop he should forfeit to the King 1000 *l.* if an Earl, or Bishop, 1000 Marks, &c. But the greatest Part of this is a Mistake, and the Matter was thus, as appears by the Record: The Commons having observed that the King's Pardons were an Encouragement to Murders, Treasons, and Rapes, petitioned the King that he would oblige himself not to grant any Pardons for those Crimes. The King refused, by reason he would not deprive his Crown of a Branch of Prerogative which his Ancestors had ever enjoyed; but yet he agreed to pass an Act, in Effect the same, *That in all Pardons which he granted the Crime should be specified, the Person's Name, at whose Suit it was granted, endorsed, and the Penalty on those who procured such a Pardon as above related.* So, though the King had still his Power to pardon, yet the Solicitors for them were so discouraged, that their Number was much reduced; for, as an Historian here remarks, Kings seldom grant Pardons but with importunate Asking <sup>1</sup>.

The Statute of  
 Provisors re-  
 vided.

The Court of Rome had also some Shackles put upon its Power, by reviving the Statute of Provisors, made 25 Edward III. and a Penalty laid on him that should accept a Benefice contrary to that Statute: Likewise a Forfeiture awarded against any who should bring a Summons or Excommunication against any Person on the Provisors, and on a Prelate for executing of it <sup>m</sup>. This Parliament ended the same Day the Subsidy was granted, *viz.* on the 2d Day of March, having sat near six Weeks.

[ 445 ]

Things continuing still very peaceable at home, it was the King's Concern to make it so abroad; for after several Preparations for an Invasion of this Kingdom, which

<sup>1</sup> Sam. Daniel in Kennet, p. 266. Statutes at large, 13 Richard II. Rot. Parl. 13 Richard II. No. 44.

<sup>m</sup> Statutes at large. 13 Richard II.

By another, (cap. 3) there is a Penalty awarded against him that bringeth a Summons or Excommunication against any Person upon the Statute of Provisors, and of a Prelate executing it. Statutes at large, 13 Rich. II. Collier's Ecclesiastical History, Vol. I. p. 592.

which were all, by one Accident or another, rendered abortive, the *French* entirely desisted from any Thoughts of that Enterprize, and seemed inclinable to treat of Peace. To that End the King summoned a Parliament to meet at *Westminster*, November 12, in the Year 1390.

The Bishop of *Winchester*, Lord-Chancellor, in a long and eloquent Oration, says our Authority<sup>n</sup>, on the King's good Government, told them, ' That the chief Cause of the Summons was concerning a Truce made with *France*, and towards *Candlemas* the King would send Commissioners over to treat of a final Peace.' He said, ' That the *Scots* had been moved to come into this Truce, which they refused; so there was nothing but War to be expected from thence; the Charges whereof, with that of *Ireland*, keeping the King's Fortresses abroad, and the Seas at home, were so great, that the King could by no Means without their Aid sustain it: Wherefore he desired them to consult about these Particulars, as well as the making Ordinances for good Laws, &c.'

Anno Regni 14.

1391.

At Westminster.

We are not told what Reception this News met with from the Lords and Commons, but we may suppose that, from the long Continuance of this bloody and expensive War with *France*, any Account of a Peace would be very acceptable to them. To that End, and to have the King ready for War also, if there should be Occasion, on the third of *December* the Lords and Commons granted the largest Aid, and to continue for the longest Time, of any that had been given before: For they not only augmented the Subsidies on Woolls, &c. with the Tonnage and Poundage, but also ordained, That they should continue for three Years, from the Feast of *St. Andrew* next coming, on Condition the Staple at *Calais* should be again removed from thence, and fixed in some Port of this Kingdom, to remain perpetually in that Station<sup>o</sup>.

A large Subsidy.

In

<sup>n</sup> Ret. Parl. 14 Ric. II. N<sup>o</sup>. 1.

<sup>o</sup> The Tax now laid was, on every Sack of Wooll, 43 s. 4 d. for Denizens; for Aliens, 46 s. 8 d. on every Last of Leather, six Marks for Denizens, and seven Marks for Aliens; on every 240 Wooll-fells, &c. 43 s. 4 d. for Denizens, and 46 s. 7 d. for Aliens; Wine the same as before; but Merchandize, 12 d. per Pound.

K. Richard II.

[ 446 ]

In this Parliament, says *Knyghton*, a profane Statute was made against the Church and Priests thereof<sup>p</sup>, viz. 'That no Ecclesiastical Person should be capable to take and possess any Bequest of Manors, Glebe, Houses, Lands, or any other Rents or Possessions, without a special Licence from the King, and the Capital Lords thereof.' And this Statute, adds he, extended as well to Parish-Churches, Chapels, and Chantries, as to Abbies, Priories, and all Sorts of Monasteries; likewise to Citizens, Burgesses, Townsmen, and Villagers, who had any such Rents in their Possession for the Uses afore-said. For it was the Custom, says our Authority, in those Days, that when any Person wanted to bestow something upon the Church, in order to save the Trouble and Expence of a Licence, and at the same Time to avoid the Penalty of the *Mortmain* Act, they used to leave it to certain Persons, whom they could trust, under whose Names the Church enjoyed the full Benefit of the Bequest: But, by this Statute, it was enacted, 'That if any Person or Persons whatsoever, Priest or Layman, held any such Manors, Rents, Lands, &c. for such Uses, and did not take a Licence for them from the King and the Capital Lords of such Possessions, according to the Statute of *Mortmain*, before *Michaelmas* next coming, that then all such Lands, &c. should be absolutely forfeited to the King and the said Capital Lords; and they might enter upon, seize, and possess the same for ever.' Thus (by this wicked Statute, as the Canon calls it) there was an effectual Stop put to this extraordinary Piece of sanctified Sophistry.

Statute for restraining the Riches of the Clergy.

[ 447 ]

Another Ecclesiastical Affair came upon the Tapis this Parliament<sup>a</sup>. The Court of *Rome* found itself much restrained by the several Statutes formerly made against Provisors; by which, with the *Premunires* annexed, the Clergy, if they would have been faithful to themselves, might have intirely prevented those Papal Encroachments. The Schism still continued in the *Roman Church*, and

<sup>p</sup> In isto Parlamento editum est profanum Statutum contra Ecclesiam et Ecclesiæ Personas, &c. *Knyghton*, col. 2738.

This Statute is not printed amongst the *Statutes at large*, nor is it on the *Rolls*. Possibly it might be left out by the Management of the Priesthood, of whose Influence, in this Respect, there is a most flagrant Instance in the 6th Year of this King's Reign. See before p. 372, 397.

<sup>a</sup> *T. Walsingham, sub hoc Anno.*

and the *French King* still in the Interest of *Benedict XIII.* K. *Richard II.* called the Anti-Pope, against *Boniface IX.* who had been elected Pope at *Rome*, instead of *Urban* lately deceased. The new Pontiff, to whom the King and *English Nation* adhered, sent a Nuncio to King *Richard*, with great Compliments in Commendation of his Devotion, and that of his Predecessors, towards Holy Church; but, withall, complaining of those late Invasions, as he was pleased to call them, of Ecclesiastical Liberties; urging him not only to repeal those Laws, but by no Means to make Peace with the *French King*, unless he would disown and no longer assist his Antagonist.

The King received the Nuncio very civilly, but for Answer to his Message put him off to his Parliament; and tho' his Majesty and the Duke of *Lancaster* seemed willing to gratify the Pope, yet the Commons absolutely refused to consent that any Person should go to *Rome* to acquire Benefices in *England*: But, that they might not seem to slight his Holiness's Request too much, they yielded that it might be connived at, though not without the King's Licence, and only to the next Parliament. That is, as one Historian writes, The King, by his Proclamation, had a Power given him to dispense with the Execution of the Statute till the next Parliament: By which Concession, adds he, though the Pope gained not so much as he desired, yet he had his Ends; it being not very material whether the Lion be dead or no, if his Claws be cut off and his Teeth knocked out; for it is all one for a Law not to be at all, as not to be executed<sup>r</sup>.

An Act was also passed this Session, which has since done great Service to the Clergy, and was that of Appropriations<sup>s</sup>. It seems that, before this Parliament, it was lawful to appropriate the whole Fruits and Profits of any Benefice to a Religious House, upon Condition that the Abbot or Prior took Care to have the Cure tolerably supplied by his Monks or Friars of the House. This bred many Inconveniencies; as that Hospitality was neglected, the Churches and Rectories dilapidated, and Ministers very often wanting; of which Grievances the Commons complained, and procured this Act, 'That

[ 448 ]

' in

<sup>r</sup> Sam. Daniel, by Bishop Kennet, p. 268.<sup>s</sup> Statutes at large, Anno 14 Rich. II. cap. 6.



**K. Richard II.** 'in every Licence to be made hereafter in Chancery, for  
 'the Appropriation of any Church, the Bishop of the  
 'Diocese should have Power to reserve a convenient  
 'Sum of Money out of the Fruits and Profits of it, to  
 'sustain the poor Parishioners of the said Church, and  
 'to endow a perpetual Vicar sufficiently to supply the  
 'Cure of Souls.' This Act, says the Historian before  
 quoted, or rather the Prelate his Annotator, was the  
 Original of most of our Vicarages; which, tho' they are  
 a contemptible Maintenance for the Clergy, especially  
 since the Obventions of the Altar are removed, yet it  
 has proved a very great Support to the Church; the  
 poorest Livings often producing the most painful and la-  
 borious Ministers. So that the Nation, adds he, hath  
 great Reason to applaud this Act, because our Gover-  
 nors, ever since, have been so negligent in providing a  
 better; for, if this was not in Being, it is to be feared  
 that the Church would have had no Provision at all in  
 Abundance of Places where Vicarages are established †.

The Dukes of *York* and *Gloucester* desired the King's  
 Bounty of 1000 *l.* a Year Lands to each of them, ac-  
 cording to his Promise, to be granted in Tail special.  
 The King hereupon ordered his Justices to draw up  
 such an Assignment, and commanded that his Uncles  
 should, in the mean Time, be duly paid their Pen-  
 sions.

It appears upon the Roll to be remembered, That  
 the Prelates, Lords Temporal, and Commons, prayed  
 the King in full Parliament, 'That the Royalty and  
 'Prerogative of him and his Crown might always be safe  
 'and preserved inviolable; and that if any Thing had  
 'been done or attempted to the contrary it might be  
 'redressed and amended. And, further, that he be as  
 'free in his Time as any of his Noble Progenitors had  
 'ever been in theirs.' Which Prayer, says our Autho-  
 rity, seeming so just and reasonable", the King granted  
 in all its Points. After these and all other Matters  
 before them were dispatched, the Lords and Commons,  
 in a Body, made their humble Acknowledgments to the  
 King for his good Government, and for the great Fer-  
 your

† Kennet in *Sam. Daniel*. Anno 14 Rich. II. cap. 6.

" *Quelle Priere semble a nostre Seigneur le Roy benefice et raisonnable, &c.*  
 Rot. Parl. 14 Rich. II. N<sup>o</sup>. 14, 38.

your and Zeal which he shewed for his People; and he K. Richard II. returned his Thanks to them for the liberal Grants which they had made him; and so ended this Parliament on the third Day of *December*, in the 14th Year of this Reign.

One might imagine, from the Conclusion of this and the next Parliament, that there was now so strict an Union between the King and his Subjects, that the Knot was indissoluble: But a very few Years more shewed, too plainly, the direct contrary, by an Example which all future Kings ought to have ever before their Eyes, as an Instance that popular Affection is not to be kept up without repeated Acts of good Conduct to deserve it. But the Harmony which then subsisted between this King and his Parliaments is attributed, and perhaps very justly, by a late Historian, to the good Counsel and Endeavours of *William of Wickham*, Bishop of *Winchester*, his Chancellor. The Biographer of this Prelate <sup>b</sup>, whose Work may be called a very judicious, complete, and learned Performance, tells us that he did restore public Tranquillity; and that he had the Satisfaction of leaving it so when he quitted his Office of Chancellor, which was in *September*, 1391. In his Place was put, by the King, *Thomas Arundele*, Archbishop of *York*; a Man very different from the other, and who was strongly attached to the Party which bred the late Feuds in Parliament, in the 10th and 11th of this Reign; and who carried on the same Spirit so far as to be the principal Mover in the succeeding Revolution.

By an Accident which happened next Year, the Citizens of *London* fell under the King's heavy Displeasure; on which he seized upon the City's Liberties, displaced the Mayor, and sent him a close Prisoner to *Windfor* Castle. The rest of his Brethren, with the Sheriffs, were also clapt up in different Prisons; and though, some Time after, they were discharged, and the King made a splendid Entry into the City, was received with great Magnificence, and had very rich Gifts presented to him, yet he exacted a Fine of 10,000*l.* from the Citizens; which severe Usage lost him the Affections of that opulent Body of People, and may be justly look'd upon as a Prelude to the approaching Revolution.

The King seizes the Liberties of the City of London.

In

<sup>b</sup> *Robert Lowth*, D. D. Prebendary of *Durham*. *Ottavo*, *London*. 1758.

K. Richard II.

Anno Regni 15.  
1392.

At Westminster.

[ 450 ]

In the fifteenth Year of this King a Parliament was called to meet at *Westminster* on the Day after *All-Souls*, or *November 3*: At which Meeting the Archbishop of *York*, *Thomas Arundele*, Primate and Chancellor of *England*, declared the Cause to be, besides the usual Ceremony of Church, Laws, and Peace, for ‘to consider how to raise the Price of Woolls, then too much debased; and how the Wars might be maintained after the Expiration of the Truce. Lastly, in regard to the Statute of Provisors, that the Holy Father might no longer be deprived of what belonged to him; concluding with these Words, *Reddite quæ sunt Cæsaris Cæsari, et quæ sunt Dei Deo.*’

To this last Affair the Commons, for the great Confidence they reposed in the King, granted that he, by the Advice of the Lords of his Counsel, might make any Alteration touching the Statute of Provisors, as to him seemed good, till the Meeting of the next Parliament; but so as that Statute might not be repealed in any Article, nor none disturbed in his lawful Possession; with this Protest, ‘That as their Assent to this was indeed a Novelty, they prayed that it might be no Example.’

A Subsidy.

The Lords and Commons granted to the King half a Tenth and half a Fifteenth, with one other whole Tenth, as it is called, and one Fifteenth, with many fine Compliments made on his good Sense and Government, conditionally, that if the King went not personally into *France* or *Scotland* against his Enemies, or that Peace was made, then the said Residue of the said Subsidies should remain to be employed upon the sole Defence of the Realm.

The Commons also, in open Parliament, declared, ‘That if any Truce or Treaty of Peace was undertaken with the King’s Enemies, it was proper the Duke of *Aquitain*, as the most honourable, should go to the same Treaty.’ The King answered, *That he desired the same, if the Duke pleased*; which he consented to very readily.

The 2d of *December*, which was the last Day of the Sitting of this Parliament, the Lords and Commons desired the King, in the same Manner as in the two last Parliaments, that he would as largely enjoy his Prerogative

gative as any of his Predecessors ever did, notwithstanding- *K. Richard II.*  
ing any Statute to the contrary; and particularly that  
made at *Gloucester* in the Time of King *Edward II.*  
which they now again repealed.

At the Beginning of the Year 1393<sup>c</sup> the King held *Anno Regni 16*  
a High Court of Parliament at *Winchester*, when the *1393.*  
Archbishop of *York*, by the King's Appointment, open'd *At Winchester.*  
the Session in a very short Speech, by declaring that it  
was called for two great Causes: The first was, 'That  
' whether there was War or Peace, or any new League  
' made between the King and his Adversaries, yet he  
' was in great Necessity for Money to discharge his  
' Debts, the raising of which was to be their principal  
' Care. The next was to provide some Remedy touch-  
' ing the Statute of Provisors, for avoiding any Disputes  
' between the Pope, the King, and his Realm.'

[ 451 ]

To this Affair, the Lords and Commons granted the  
King the same dispensing Power as the last Parliament  
had done, untill the next; and to the first, they gave his  
Majesty the same Subsidy on Wooll, &c. as was granted  
in the eleventh Year of his Reign, for three Years; to-  
gether with half a Tenth and half a Fifteenth.

A Subsidy.

There are very few public Acts done this Session;  
one of which, however, is very remarkable; the Bi-  
shops, Lords, and Commons, in full Parliament, assent-  
ed that the King, his Heirs and Successors Kings of *Eng-  
land*, might lawfully make their Last Will and Testa-  
ment, and that Execution should be done of the same<sup>d</sup>.

On the last Day of their sitting, *February 10*, *Wil-  
liam Courtney*, Archbishop of *Canterbury* and Primate  
of all *England*, made a long Protestation, in open Par-  
liament, 'That the Pope ought not to excommunicate  
' any Bishop, or intermeddle as to Presentations to any  
' Ecclesiastical Dignity recovered in the King's Courts.  
' That the said Holy Father ought not to make Trans-  
' lations to any Bishoprick within the Realm, with-  
' out the King's Leave; for that this Practice tended  
' to the Destruction of the Realm and Crown of *Eng-  
land*,

The Archbi-  
shop's Protesta-  
tion against the  
Papal Power.

<sup>c</sup> Octaves of St. Hilary.

<sup>d</sup> Rot. Parl. 16 Rich. II. No. 10. Pursuant to which we find that this  
King made his Will a small Time before his last Expedition into *Ireland*,  
the Preamble and whole Form of which Testament is very remarkable.  
See *Rymer's Fœd.* Tom. VIII. p. 75.



**R. Richard II.** 'land, which had always been free, and subject to no Earthly Power, but to God and the King, as to Regalities, and to no other.' Which Protestation the Archbishop prayed might be entered on the Roll <sup>b</sup>.

[ 452 ]

**Anno Regni 17.**

1394.

**At Westminster.**

About the same Time, in the Year following, another Parliament was called to meet at *Westminster* <sup>c</sup>, which was opened by a Speech from the Archbishop of *York*, Lord-Chancellor; who declared, in the Presence of all the Estates, the Cause of the Summons to be, 'First, That all Bishops, Lords and Corporations should enjoy their Liberties; and that there should be a due Observation of the King's Peace. Next, How the Wars, which, by Assent of Parliament, were begun, should be sustained as to the Expence of that, and the Preservation of *Guienne, Calais, Ireland, and Scotland.*'

**Sir JOHN BUSSEY,**  
**Speaker.**

The third Day of their Meeting the Commons presented to the King, in full Parliament, *Sir John Bussy*, as their Speaker; who, making the usual Protestation, was allowed. It is now a long Time since we have met with the Name of a Speaker of the House of Commons before this Man; occasioned, no doubt, by the Negligence of the Clerks, in not entering them on the Rolls; for that there must have been a Speaker appointed each Parliament is certain, though we have not had the good Fortune to hand down their Names to Posterity.

**A Charge against  
the Duke of  
Lancaster.**

*Richard* Earl of *Arundele* exhibited a Complaint against the Earl of *Lancaster*, which he said concerned the King's Honour. First, 'That he thought it not honourable for the King to suffer the said Duke to walk Arm in Arm with him. Next, It did not become the Duke's Servants to wear the same Livery with the King's. Thirdly, That the said Duke, both in Council and Parliament, was used to speak such high

<sup>b</sup> Rot. *ut supra*, No. 20. This was a very courageous Act in the Archbishop, when the Pope had just wrote a Letter to the Duke of Lancaster, calling the Act of Provisors *Execrabile Statutum, Fædum & turpe Facinus*. Sam. Daniel in Kennet, 270.

See the whole Protestation in Collier's Hist. Vol. I. p. 594. That Author writes, that the Archbishop was probably suspected of secretly abetting the Pope's Encroachments upon the Church and State, which occasioned this public Declaration.

<sup>c</sup> On the Quindene of St. Hilary, or Jan. 29. Rot. Parl.

No Mention made of any Parliament in the Year 1394, or 17th of Richard II. in the Statutes at large.

‘ high and sharp Words <sup>d</sup>, that he the said Earl, and <sup>K. Richard II.</sup>  
 ‘ others of his Quality, durst not utter their Minds for  
 ‘ him. *Fourthly*, It was not to the King’s Profit to  
 ‘ give to the said Duke the Duchy of *Guienne*. And,  
 ‘ *lastly*, He wanted to know what was become of all  
 ‘ that Mass of Money given to the Duke for his Voyage  
 ‘ into *Spain*, and for the last Treaty of Peace.’

Unto which Accusation the King himself answered every Article of the Charge, and affirmed, ‘ That what  
 ‘ the Duke of *Lancaster* had done was all right and  
 ‘ good.’ And his Majesty, with the Assent of the  
 Lords, awarded, that the said Earl should ask the Duke’s  
 Pardon, in full Parliament, and in the very Words following, which he spoke accordingly;

[ 453 ]

Sire, *Sith that it semeth to the Kynge and to the other  
 Lords, and eke that ybe heve ben so michel greved and displeased  
 be my Words, hit forethinketh me and biseche you  
 of youre good Lordship to remit me your Mantelent<sup>e</sup>.*

This is a rare Specimen of the *English* Language at that Time, and shews how much it wanted such a Genius as *Geffry Chaucer* to refine it.

In this Parliament the King charged the Commons to give their Advice as to the War; and they, in a Schedule put into his Hands by Sir *John Bussy*, their Speaker, answered, ‘ That the Articles of Peace between the King and his Adversary of *France*, had been  
 ‘ read and in part understood by them; but that, considering the Points therein contained were too high  
 ‘ for them to meddle with, and upon which they durst  
 ‘ not treat nor give any Advice, such as Homage-leige, Sovereignty and Ressort to the Crown of *France*<sup>f</sup>, they  
 ‘ were willing to give their Consents, for the Benefit of  
 ‘ Peace, to whatsoever the Lords, Knights of Honour,  
 ‘ and the Judges had before agreed upon; so as the  
 ‘ Homage should be done for, and only have Relation  
 ‘ to, the Duchy of *Guienne*, and in no wise affect the  
 ‘ Crown or Kingdom of *England*.’

What the Articles of this Peace were, does not appear upon the Parliament Roll. *Knyghton* writes, that this was only a Truce between the two Kingdoms for  
 four

<sup>d</sup> *Si grosse et aspres Parolles.* Record.

<sup>e</sup> This old *English* is most wretchedly mangled and mis-spelled in the *Abridgement*.

<sup>f</sup> *Homage-lige, Soveraineté, et Ressort, &c.* Record.

K. Richard II. four Years and four Months, as well by Sea as Land &c.

A Subsidy.

[ 454 ]

The King designing to go over in Person, in order to reduce *Ireland*, demanded an Aid of this Parliament; and the Commons granted him a Subsidy upon Wooll, Wooll-fells, &c. upon every Ton of Wine 3s. and upon every Pound of Merchandize, 12 d. for three Years, as in the 11th Year of his Reign; so as this Money should only be employed for the Defence of the Realm: And so that if the King did not go abroad into *Ireland* or *Scotland*, it might be reduced to half the Sum in each Article. The Clergy granted also a full Tenth, if the King went over, otherwise only half a Tenth.

In this Parliament also the Judges that were banished into *Ireland* by that of the 11th of this King, were recalled, by Consent of King, Lords, and Commons, and the Act for their Banishment repealed.

The King's Success in *Ireland*.

Very soon after this last Parliament was dissolved, which was on the 7th of *March*, the King did go over in Person into *Ireland*, accompanied with his Uncle the Duke of *Gloucester*, and an Army of 30,000 Men. The *Irish* Rebels were by no Means fit to resist such Force; but, after some Efforts to harraßs the King's Army by Delays and Counter-Marches, four of their Kings were obliged to come in and submit to *Richard's* Mercy, who made Hostages of them for the good Behaviour of the rest. After which he held a Parliament at *Dublin*, the better to settle the Affairs of that Kingdom; and this was the greatest and most fortunate Expedition that was made in this King's Time. A late Historian says that, in several Encounters had with the Rebels, *Richard* gave great Marks of Personal Valour: Which caused a Belief, adds that Author, that if hitherto he had shew'd no great Inclination for War, it was not to be ascribed so much to Want of Courage, as to a bad Education<sup>h</sup>.

Anno Regni 18.  
1395.

At Westminster.

In the mean while the Duke of *York*, who had been left Guardian to the Realm in the King's Absence, summoned a Parliament to meet fifteen Days after St. *Hilary*, or *Jan.* 28, in the Year 1395, to consider of the best Way to make the Government of *Ireland* prosperous

ous

& *Treuga cum Francia et Scotia, pro quatuor Annis et quatuor Mensibus, immediate sequentibus, tam in Mare quam in Terra.* *Knyghton*, col. 2741.

<sup>h</sup> *Rapin's History*, Fol. Edit, p. 470.

ous and happy. To further this Business the King sent *K. Richard II.* over the Duke of *Gloucester* from *Ireland*; who, coming to this Parliament, declared the King's great Necessity for Money, occasioned by the late Expedition; his great Zeal to make an entire Conquest there, and the great Hope he had of Success. The Duke's Speech, whatever it was, is not on the Rolls of Parliament, but we are told that it had so powerful an Effect, as to draw from the Clergy a full Tenth, and from the Commons a Tenth and a Fifteenth; and this is all the Record mentions, the rest of the Proceedings of this Parliament being very short, and nothing at all to our Purpose <sup>a</sup>.

The Sect called the *Lollards*, or the Followers of *John Wickliff* and his Doctrines, were about this Time in great Power, and much dreaded by the Prelates and others of the Established Church; they had often petitioned the King and Council for an Encouragement to their purposed Reformation; but we are told they had now the Courage to deliver a Remonstrance of it to this Parliament. There is not one Word of this on the Rolls; and as it was never our Design to enter into Ecclesiastical Controversies, except they were purely Parliamentary, and respected the State and Government of the Realm, we shall omit this Remonstrance, which was drawn up in twelve Articles, against the Power and Encroachments of the Church of *Rome*, and refer the Reader to the Writers of our *English Ecclesiastical History* for them. We are not told, however, what Reception this met with from the Parliament; from whence we suppose, whatever particular Favourers these Reformers might have in the Houses, yet the Bishops had then Power enough to suppress them.

[ 455 ]

Petition of the  
*Lollards.*

We have now a Chasm of two Years before we meet with another Parliament; and in the mean Time our general Historians are sufficiently taken up with the Description of a Royal Interview between the two Kings of *England* and *France*; and a Marriage solemnized <sup>b</sup> be-

VOL. I.

H h

tween

<sup>a</sup> No Mention of this Parliament in the *Statutes at large*; but there is one in them, said to be held at *Westminster*, *Anno 1396, Regni 19*, of which we can meet with no further Account, for it is not on the Rolls. *Statutes at large*, 1396, cap. 6.

<sup>b</sup> The late Queen died a little before his last Expedition into *Ireland*, *June 7, 1394*, at *Shene* near *Richmond*. The King's Passion for the Loss of her was so excessive, that he cursed the Place and pulled down the Palace.



K. Richard II. between the former King and a very young Daughter of the latter, not then full eight Years of Age. After King Richard's coming over, with his young Bride, and her Coronation, he called a Parliament to meet on the 22d of January, in the Year 1397, at *Westminster* c.

Anno Regni 20.  
1397.

At *Westminster*.

[ 456 ]

Being all assembled, on the Day appointed, the Bishop of *Exeter*, then Chancellor, by the King's Command, opened the Cause of Summons, in a Speech, wherein he alledged many Authorities from Holy Writ, to prove four Points on which a Prince ought to consult his Parliament. The *first* was, 'That the Church 'might enjoy her Liberties in Peace.' The *next*, 'That 'all his Subjects should be govern'd without Oppression.' *Thirdly*, 'That the good Laws should be maintained, 'the evil amended, and Justice executed.' And, *lastly*, 'That the Realm should be defended against all foreign 'Enemies.' All which, he added, the King was ready to do with their good Advice. He then told them of the Danger the Nation was in from the *Scots* and *Irish*, the Hazard of *Guienne* and the Marches of *Calais*, and desired them to consult and do what was proper with the least Charge to the Realm.

Sir JOHN BUSSEY,  
Speaker.

The next Day the Commons presented Sir *John Bussy*, as their Speaker, whom the King allowed of; and, after making the usual Protestation, he said, 'That the 'Commons required of the King that such Bishops and 'Lords, as were absent, should be sent for.' To which the Chancellor answered, 'That it would be too long 'and tedious for that Session.' Then the Commons desired a Conference with the Chancellor and others of the King's Officers; which being agreed to, and the Chancellor returned from it, the King commanded him to declare the Result of that Conference. This Report was, 'That the Commons, by a Bill, required 'four Things: *First*, The Continuance of Sheriffs. 'Next, That proper Care should be taken of the Northern Marches. *Another*, About Liveries and Badges. 'And the *last*, For avoiding of the extravagant Expences 'of the King's Household, and to forbid Bishops and Ladies, who had no particular Business there, from frequenting

c No Mention of this first Parliament, held in the Year 1397, in the *Statutes at large*.

‘ quenting the Court <sup>d.</sup>’ The Reason for inserting this last <sup>K. Richard II.</sup> Clause in the Bill does not appear ; but it seems design’d to drive the Prelates from Court who were attending there, most probably, in Hopes of Translation (a Practice not yet grown obsolete) to take Care of their respective Diocesess ; and the Ladies, though they are here strangely coupled, from coming to a Place where they might either tempt others, or be liable themselves to Temptation. Whatever was the Cause of the Bill, the King, being informed of the Contents of it, was highly incensed, and told the Peers, *That it was calculated against those Liberties and Royalties his Progenitors had enjoyed, and which he was resolved to uphold and maintain.* He therefore commanded the Lords Spiritual and Temporal to inform the Commons of his Resolution ; and particularly ordered the Duke of Lancaster to charge Sir John Buffy, their Speaker, upon his Allegiance, to acquaint him who it was that brought the Bill into Parliament. What provoked the King most against it was, that it seemed calculated to regulate the Expence of his Household, which at that Time was very profuse and disorderly.

The Kingresents the bringing in a Bill for regulating his Household

[ 457 ]

The submissive Answer which the Commons gave to this Message is very extraordinary, and humbler than any we have yet met with from that Body. For, being told the King’s Mind in a Conference with the Lords, they immediately delivered in the Bill to them, with the Name of the Person who had brought it into their House, and who was one *Thomas Haxey*, Clerk. The Bill was given to the Clerk of the Crown, by the Clerk of the Parliament, according to the King’s Command. Soon after the Commons came before his Majesty, in full Parliament, and there, with all Humility and Obedience, shewed great Concern<sup>e</sup> that the King had conceived such a Resentment against them, ‘ Humbly praying him to accept their Excuse ; for that it never was their Intent or Desire to speak, shew, or act any Thing which should be an Offence or give Displeasure to his Majesty, or be against his Royal Estate and Liberty ; especially about this Matter touching his Person, and

The Commons ask Pardon,

H h 2 the

<sup>d</sup> De la Multitude d’Evesques et aussi de plusieurs Dames, &c. Rot. Parl. 20 Ric. II. No. 14.

<sup>e</sup> Faisant grant Dolour come apparust par leur Cbier. Ibid. No. 16.

K. Richard II.

[ 458 ]

‘ the Government of his House, or about the Lords and  
 ‘ Ladies of his Court, or any other Matter that regard-  
 ‘ ed himself; knowing very well that such Things did  
 ‘ not belong to them, but solely to the King himself,  
 ‘ and in his own ordering: That their Intention was  
 ‘ only to shew their great Affection to his Majesty, as  
 ‘ faithful Subjects, and to desire the Lords to pray him  
 ‘ to consider his own honourable Estate, and to do  
 ‘ therein what he thought good: That they submitted  
 ‘ themselves to the King’s Will and Favour; humbly  
 ‘ beseeching his Majesty graciously to excuse them; be-  
 ‘ ing always ready to save his Royal Estate and Liberty,  
 ‘ and to perform, with Body and Goods, as loyal Sub-  
 ‘ jects are bound to do, whatever shall be for the Ho-  
 ‘ nour and Safety of his Royal Person and Dignity’.

Upon this Declaration, the King commanded the Chancellor to tell the Commons, *That, out of his Royal Benignity and gracious Seigniory, he then fully excused them.*—Who can read this and imagine that the same Body of Men, as we may near suppose, tho’ in a different Parliament, now so very passive, should, in a very short Space after, depose this King for his ill Government, and set up another in his Stead?

The Member  
 who brought in  
 the Bill senten-  
 ced to die,

As a farther Proof of their Attachment to the Prerogative Royal, *Thomas Haxey*, Clerk, was tried before this Parliament, and condemned to die the Death of a Traitor. But here the Church interposed; for, soon after the Sentence, the Archbishop of *Canterbury*, and all the other Prelates, came before the King in Parliament, with great Humility, and made Protestation, ‘ That their sincere and full Intention was, and always  
 ‘ should be, to have his Majesty’s Royal Estate and  
 ‘ Power ever saved and preserved without Diminution.  
 ‘ And then they beseeched the King to grant them the  
 ‘ Life of *Thomas Haxey*, and the Custody of his Body,  
 ‘ not as of Right belonging to them, but of his special  
 ‘ Grace and Favour.’ Which Petition the King granted.

In this Parliament also every Thing that was done nine Years before against the Prerogative, was now reversed and intirely disannulled. So uncertain in their Proceedings, says Mr. *Tyrrel*<sup>g</sup>, have Parliaments been when managed by Court Intrigues, or popular Factions. *Robert*

<sup>f</sup> Rot. Parl. 20 Rich. II. No. 17.

<sup>g</sup> History of England, Vol. III. p. 959.

*bert Belknappe, John Holt, and William Burgh, Knights, K. Richard II.* and formerly Judges, who had been banished into *Ireland* by the aforesaid Act, had Leave given them by the King, with the Consent of the other Estates, to return into *England*, and practise the Law without Impeachment. Saving always against them all other Points mentioned in the said Statute <sup>P</sup>.

The banished Judges allowed to return.

Something memorable was likewise transacted in this Parliament, relating to the Great Duke of *Lancaster*. This Prince having lost his first Wife, *Constance*, Daughter to the King of *Castile*, thought proper to marry *Catherine Swynford*, a Lady by whom he had several Children during the Life of his Duchesse; by which Match he greatly disgusted the King and the rest of his Royal Relations. However, the Duke found Interest enough to carry a Bill thro' both the Houses, and got the Royal Assent to it, to have the Issue he had by the said Lady, before Marriage, legitimated, and made capable to succeed to, and enjoy, all Dignities, Lands, and Inheritances that might descend to them from the Duke their Father, except the Crown. This last Dignity is not mentioned in the Act, as appears by the King's Charter of Legitimation, grounded on it, and is yet extant on Record <sup>q</sup>; though, many Years after, a Descendant of this legitimated Race came to the Crown of *England*, not by Succession, but by the Sword, in the Person of *Henry VII*. The King also, at the same Time, out of his particular Grace and Favour, and by the Consent of Parliament, created *Thomas de Beaufort*, the eldest of the said Duke's Base Sons, Earl of *Somerfet*, from whom the present Duke of *Beaufort* is descended <sup>r</sup>.

Also, by a Charter of Creation, read and confirmed in this Parliament, the King granted to *Thomas Mowbray*, Earl of *Nottingham*, and to the Heirs Male of his Body, lawfully begotten, the Office, Name, and Title of Earl Marshal of *England*; the Office of Marshal in the King's Bench and in the Exchequer; the Office of Proclaimer Marshal; the Steward and Marshal of the King's Household; and further, that the said Earl and

H h 3

<sup>P</sup> This is put under the last Parliament in the *Statute Books*, as we have before mentioned.

<sup>q</sup> Rot. Parl. 20 *Richard II*. N<sup>o</sup>. 28, 29.

<sup>r</sup> *John Duke of Somersset* was the only one of the three legitimated Sons that left any Issue, and he was Great Grandfather, by the Mother's Side, to *Henry VII*. *Biondi*, p. 31.



K. Richard II. his Heirs Male, Marshals of *England*, by Virtue of that Office, may carry before them a certain golden Staff, enamelled black at both Ends; with the King's Arms at the upper End, and his own Arms at the other. Which Office of Earl Marshal is still in the Descendants, though not in the Name, of this Noble Family.

The King had acquainted the Commons in this Parliament by his own Mouth, That they had been obliged to him several Ways; but more especially in this, that he now declared he would never again seek to burden or charge them with Tenths, or Fifteenths, in his own Person. Upon which Declaration the Commons, with Consent of the Lords Spiritual and Temporal, gave the King the usual Duty of 12 *d.* per Pound on all Merchandize, and 3 *s.* a Ton on Wine, for three Years to come. As also the former Subsidy on Woolls, Wooll-fells, Leather, &c. for five Years.

[ 460 ] It was at this Time Affairs began to take a different and surprizing Turn. The Behaviour of the last Parliament, we suppose, gave the King great Spirits; and, by the Assistance of another, more suppliant than the former, the Tables were turned indeed, and those great Lords, who had long ruled at the Helm, were prosecuted with the utmost Severity. How this extraordinary Change was brought about amongst the Peers and Representatives of the People, let the more copious Historians give according to their Intelligence; for us it suffices to relate the Matter of Fact, and leave it to the Reader's own Reflection.

On the first of *August*, this Year, the King held a Great Council of the Peers at *Nottingham*, himself sitting amongst them, with his Crown on his Head, in the great Hall of the Castle. Here it was that *Edward* Earl of *Rutland*, *Thomas* Earl of *Kent*, *John* Earl of *Huntingdon*, *Thomas* Earl of *Nottingham*, *John* Earl of *Somerset*, *John* Earl of *Salisbury*, *Thomas* Lord *Despensers*, and *William le Scrope*, Chamberlain to the King, brought a Bill of Appeal of Treason against *Thomas* Duke of *Gloucester*, *Richard* Earl of *Arundele*, and *Thomas* Earl of *Warwick*. This Bill being read, by Advice of the Peers and those of the King's Council, the accused Lords had a Day assigned them to answer in the next Parliament,

ment, which was summoned to meet on the 17th of *K. Richard II.* September following, at *Westminster* <sup>s</sup>.

As a Prelude to the Meeting of this other famous Parliament of this King's Reign, we find, in the *Public Acts*, an Order from the King directed to his Uncle, *John Duke of Lancaster, &c.* for raising 300 armed Men and 60 Archers, as a Guard to the King's Person at the ensuing Parliament. The same Order was sent to *Edmund Duke of York*, for 100 Soldiers and 200 Archers; and another to *Henry Earl of Derby*, for 200 Men at Arms and 40 Archers <sup>t</sup>. Some Historians mention also a much larger Body of *Cheshire Men*, who had the immediate Care of the King's Person; but we find no such Account of them on Record. However, an old Historian writes that the Lords and Great Men came to this Parliament with such Numbers of armed Men and other Attendants, that there was not half Lodgings within the City and Suburbs of *London* for them; insomuch that very many were obliged to lie in the Villages ten or twelve Miles on each Side the Town <sup>u</sup>. Further, the same old Chronicler goes on and tells us, that the King had caused to be made, within the Palace at *Westminster*, a large House of Timber, covered on the Top with Tiles, but open at both Ends, that all Men might see through it. This House was of so great a Compass that it would scarce stand within the Court of the Palace <sup>x</sup>. At one End of it was erect-

[ 461 ]

\* It cannot be amiss to give Monsieur *Rapin Thoyras's* Reflections on the Methods made Use of in packing this Parliament, though there was no apparent Occasion for it. considering the good Disposition of the two last. After reciting that the King had changed all the Sheriffs in *England*, and appointed none but such as had promised to be at his Devotion; as well as influenced those who had the chiefest Power in the Cities, Boroughs, &c. he goes on and says, 'That it must not be thought difficult for a King of *England* to execute such a Project: Experience has since confirmed it, by numberless Instances, that, by the like Ways, it is very possible to cause Representatives, to be chosen devoted to the Court. However, Historians remark, that it was at this Parliament that such Practices were first used. But it must likewise be added, that it was one of the principal Causes of *Richard's* Destruction. And, indeed, it is impossible that a Nation can see their Liberties in the Hands of Men, whom they have not themselves freely chosen, without desiring to be delivered from such an Oppression.' *Rapin*, Fol. Ed. p. 463.

<sup>t</sup> *Fæd. Ang.* Tom VIII. p. 14.

<sup>u</sup> *Hollingshead's Chron.* p. 490.

<sup>x</sup> *J. Stowe* writes that this large Timber Building was erected betwixt the Clock Tower and the Door of the great Hall at *Westminster*, which must be the present Palace-yard. *Stowe's Chron.* p. 315.

K. Richard II. ed a high Throne for the King, and a large Place on each Side for the Bishops and Peers of Parliament. The Lords Appellants and Defendants had each Places assigned them, one opposite to the other. There was also a particular Division kept for the Commons of Parliament, on the fore Part of which was a Place for their Speaker.

[ 462 ] Matters being in this extraordinary Manner adjusted, at the Time appointed, being *September 17, 1397*, the King, Lords, and Commons all met; when the Bishop of *Exeter*, as Lord-Chancellor, by his Majesty's Command, opened the Session by a Speech, which he began with a Text taken from *Ezekiel, Rex unus erit omnibus*. The Prelate endeavoured to prove, by many Authorities, ' That no Realm could be well governed but by one ' sole King; and that, to the right Conduct of a good ' King, three Things were wanting; *1st*, That he should ' be powerful; *2dly*, Strict in the Execution of the Laws ' by which he governed; and, *lastly*, That the Subjects ' should be obedient to the King and the Laws of the ' Kingdom. That the King might grow more powerful, he told them that many Liberties and Prerogatives ' were given to him, which, at the Time of his Coronation, he was sworn to maintain: And if any Thing ' was done since, contrary to them and the Law, they ' were revoked; of which Particular they themselves ' were then called to consult. That Laws ought to be ' executed, appeared by the common Example of a good ' Father, who uses to strike as well as stroke his Child. ' But, for the better Execution of them, the King had ' appointed new Judges and Officers thro' the Realm, ' and was now desirous to redress any Defects of the ' Law which could be shewn him; and that the National Subjects ought to obey the King and his Laws, ' was apparent, for that no Man could claim any Property of Life or Goods, or any Fruit of his Labour, ' without the Prince, who is the Pillar of the Law. ' He concluded with observing, that the King meant to ' maintain the Laws, and to continue the general and ' particular Liberties granted to all Corporations and ' every single Person; further, that he designed to grant

a ge-

\* a general Pardon to all his Subjects, except to some *K. Richard II.*  
 \* particular Persons.

The next Day the Commons presented Sir *John Bussey* Sir JOHN BUSSEY once more Speaker. again to the King, as their Speaker <sup>y</sup>, who, being approved of, made the usual Protestation, which he prayed might be recorded.

[ 463 ]

The first Thing that passed all their Consents was an Act to confirm to Holy Church, the Lords Spiritual and Temporal, and to all Cities, Boroughs, and Commonalties of the Realm, their Liberties and Franchises, as they had reasonably held and enjoyed them in the Time of the King's Noble Progenitors: And because that several Judgments were heretofore not finished, by reason the Clergy were not present, nor consenting to them, the Commons prayed the King that they might now appoint a general Proctor, who might have sufficient Authority to act for them <sup>z</sup>: Whereupon the two Archbishops, and the Clergy of both Provinces, constituted and appointed Sir *Thomas Piercy* their Procurator, as appears by their Instruments made for that Purpose, and entered on the Roll.

Afterwards the Commission and Statute pursuant to it, made in the 11th Year of this King, and to which the King, at the Peril of his Life <sup>a</sup>, was obliged to consent, was wholly repealed and made void, at the Petition of the Commons, as being traiterously made, by Constraint and Compulsion, against the King's Will, his Royalty, Crown, and Dignity. And it was ordained and established by the King, with the Advice and Consent of the Lords and Commons, ' That no such-like Commission should be made for the future, and he who

All the Proceedings of the Commission of the 11th of this King reversed,

<sup>y</sup> *Hollingshead* writes that this Sir *John Bussey*, or *Busbie*, Speaker, in all his Speeches which he made to the King, did not give him the accustomed Titles of Honour, but invented unusual Terms, and such Epithets as were rather agreeable to the Divine Majesty of God than to any Earthly Potentate: Which, adds he, this Prince, being more ambitious and desirous of Honour than was requisite, gave too much Ear to. *Hollingshead's Chron.* p. 490.

<sup>z</sup> This was because the Bishops could not be present in any Judgment of Blood. Sir *John Hayward*, p. 40. But some Historians write, that, before the Prelates withdrew, they were severally asked their Opinions, Whether the Charters of Pardons formerly given by the King could be revoked? To which all of them, except the Archbishop of *Canterbury*, answered, That they, being done by Compulsion, might be made void. *Walsingham, sub hoc Anno. Hollingshead's Chron.* p. 491.

<sup>a</sup> *Ensi en grant Peril de sa Vie.* Rot. Parl. 21 Ric. II. No. 11.



**K. Richard II.** should endeavour to procure any such to be made for the Time to come, being thereof duly convict, should suffer Death as a Traitor.<sup>a</sup>

Then the Pardons granted to the Duke of *Gloucester*, and the Earls of *Arundele* and *Warwick*, in the Parliament of the 11th Year of this King, were made void, as being obtained by Force, and against the King's Will. Also the Pardon granted to the Earl of *Arundele* at *Windfor*, the 17th of this King, was in like Manner revoked and annulled.

[ 464 ]

The third Day of the Session the Commons came before the King, in full Parliament, and made Protestation by their Speaker, that though they intended to shew and declare certain Matters and Articles, which they had then advised of and agreed amongst themselves, yet nevertheless it was, and is, their Intent and Will, with Leave of the King, to accuse or impeach any Person or Persons, as oft as they should think fit, during the Time of this Parliament. They prayed the King that he would please to accept this Protestation, and that it might be entered as a Record on the Roll of Parliament; which the King granted, and commanded to be done accordingly <sup>b</sup>.

On the same Day the Commons came again before the King in Parliament, and impeached *Thomas Arundele*, then Archbishop of *Canterbury*, of High Treason; And the Archbishop of *Canterbury* impeached. ' For that he, being the chief Officer of the King, his ' Chancellor, when he was Bishop of *Ely*, was trait- ' rously aiding, procuring, and advising in making a ' Commission, directed to *Thomas Duke of Gloucester*, ' *Richard Earl of Arundele*, and others, in the 10th Year ' of his Majesty's Reign; and made and procured him- ' self, as chief Officer, to be put into it, to have Power, ' with the other Commissioners, to see it put in Execu- ' tion; which Commission was made in Prejudice to the ' King, and openly against his Royalty, Crown, and ' Dignity; and that the said *Thomas* actually put the ' said Commission in Execution.

' Also that the said Archbishop, in the 11th Year of ' the King, procured and advised the Duke of *Gloucester*, ' with

<sup>b</sup> Rot. Parl. 21 *Richard II.* No. 14. The whole of the Proceedings at these Trials are put together at the End of those of this Parliament, under this Title. *Placita Corone coram Domino Rege in Parlamento apud Westmonasterie, &c.*

‘ with the Earls of *Warwick* and *Arundele*, to take upon K. Richard II.  
‘ them Royal Power, and to arrest the King’s Liege  
‘ Subjects, viz. *Simon Burley* and *James Berners*,  
‘ Knights, and adjudge them to Death, contrary to the  
‘ King’s Will, and without his Consent; thereupon  
‘ the said Commons prayed the King that the said Arch-  
‘ bishop might be put into safe Custody.’ The King  
answered, *Because the Accusation and Impeachment touch-*  
*ed so high a Person, and a Peer of the Realm, he would*  
*be advised.*

The next Day the Commons prayed the King, ‘ That, [ 465 ]  
‘ as they had impeached and accused the Archbishop  
‘ of *Canterbury* of assenting and being in the Contri-  
‘ vance of making the Commission on the 19th of *No-*  
‘ *vember*, in the roth of the King, and agreed to the  
‘ Execution of the same, which was expressly against his  
‘ State and Dignity, that he would please to ordain such  
‘ Judgment against the said Archbishop as the Cause  
‘ required.’ Hereupon the King commanded it to be  
recorded in Parliament, that *the Archbishop had been be-*  
*fore him, in the Presence of certain Lords, and confessed*  
*that he was mistaken, or erred, in the Exercise of the Com-*  
*mission; and therefore put himself upon the King’s Grace*  
*and Mercy.*

On the 25th of *September*, the King and the Lords  
Temporal, with Sir *Thomas Piercy*, the Proctor for the  
Prelates, who, as it appears upon Record, had full  
Power from the whole Body of the Clergy to act for  
them, adjudged and declared the said Article, which  
the Archbishop had confessed, to be Treason, and that  
it touched the King himself; for which they also ad-  
judged and declared him a Traitor. And it was award-  
ed in Parliament, ‘ That he should be banished out of  
‘ the Kingdom, have his Temporalities seized, and his  
‘ Goods and Chattels forfeited to the King, who was  
‘ also to appoint the Time of his Exile.’ Whereupon  
the King assigned him a Time of Passage, which was  
from the Eve of St. *Michael* untill six Weeks next en-  
suing, to pass from the Port of *Dover* into *France*; and  
further, that he should forfeit all his Lands, Tenements,  
and Possessions, which he had in Fee Simple by De-  
scent, or Purchase, or otherwise, at the Day of the  
Treason committed, or after, or that any one held to his  
And banished.

K. Richard II. his Use, to the King and his Heirs for ever. This is the second Example, *Thomas Becket* being the first, of any Archbishop being banished the Realm by Sentence of Parliament<sup>a</sup>.

[ 466 ]

And now came on the other Proceedings of this Parliament against the Duke of *Gloucester*, and the Earls of *Arundele* and *Warwick*, contained in several Articles of Impeachment then brought against them, by Way of Bill, by the Lords Appellants, mentioned in the Council at *Nottingham*. The Bill, as appears by the Record itself, was directed to the King in Parliament, and is to this Effect:

The Duke of *Gloucester*, the Earls of *Arundele* and *Warwick*, and *Thomas Mortimer*, impeach-

First, it sets forth, ' That the Duke of *Gloucester* and the Earl of *Arundele*, designing to encroach and have the Government of your Royal Person and Kingdom, with the Liberties and Dignities thereof, as well within this Kingdom as without; when the Parliament sat at *Westminster*, in the 10th Year of your Reign, they sent a Peer of the Land to you, who, on their Behalf, and by their Command, told your Majesty, that if you would not consent to make to them, and others whom they should name, such a Commission whereby they might have the Government in the Manner as is above related, you should be in Danger of your Life, and the Lords and Commons of Parliament would depart without your Leave; and then you should see in what a miserable Condition you would be; so that, in very Fear of their Power, you then granted such a Commission as they desired.'

Next follows the Commission itself, which we have already given under the 10th Year of this King's Reign<sup>b</sup>; and then the Impeachment goes on thus:

I.

<sup>a</sup> Mr. *Collier* observes that this is another Precedent of a Bishop being tried by his Peers, it being plain by the Record, adds he, that Judgment was given by the House of Lords, not in a legislative but in a judicial Way; and that the Commons were only Prosecutors in this Case, &c. *Collier's Ecclesiastical History*, Vol. I. p. 601.

Though the Archbishop was present the first Day when the Commons brought in their Impeachment and offered to make his Defence, yet he was absent the next when Sentence was pronounced against him. Some Authors accuse the King of double Dealing in the Affair; and that he commanded the Prelate not to come into the House; having first made him a Promise of his Friendship, and given him his Oath that the Lords should do nothing to his Prejudice. *Hollingshead's Chron.* p. 490. *Collier, Ibidem.*

<sup>b</sup> See before, p. 401, 427.

I. ' The said Duke and Earl of *Arundele*, to accom- K. Richard II.  
 ' plish their traiterous Purposes, and to have your Roy-  
 ' al Person in their Power, ordered, as they pleased,  
 ' the Government of your whole State, with the Laws  
 ' and Dignities thereof, and prevailed with *Thomas* Earl  
 ' of *Warwick* and *Thomas Mortimer* to join with them [ 467 ]  
 ' in their traiterous Delign; who, by Agreement, as  
 ' Traitors to the King and Kingdom, all met and as-  
 ' sembled on the thirteenth of *November*, in the 11th  
 ' Year of your Reign, at *Haringhay-Park*, in *Middlesex*,  
 ' with a great Number of People, armed and arrayed,  
 ' and made divers of your Liege People, in several Parts  
 ' of your Realm, to rise, and march with them, against  
 ' your Royal Person, contrary to their Legiance, and  
 ' would not come before your Presence, untill they were  
 ' secured by your Oath that they might come and re-  
 ' turn safely; and then they all appeared before you in  
 ' your Palace at *Westminster*, with a great Force of arm-  
 ' ed Men, and traiterously constrained you to take them  
 ' into your safe Protection, against your Will and Plea-  
 ' sure.

II. ' The said Duke, the Earls of *Arundele* and *War-*  
 ' *wick*, and *Thomas Mortimer*, continuing their traite-  
 ' rous Purposes, by Force and Violence, did take and  
 ' imprison divers of your Liege People, and amongst  
 ' others, Sir *Simon Burley*, and brought him to your  
 ' Parliament, held on the Morrow of the Purification,  
 ' in the 11th Year of your Reign, and there suggested  
 ' divers Points of high Crimes and Treason against him,  
 ' and the Advice of every Lord then present was asked,  
 ' concerning the Crimes of the said *Simon*, and after-  
 ' wards the Duke and Earls would know your Advice  
 ' and Opinion; and you answered plainly, He was not  
 ' guilty in any Point objected against him. And, after  
 ' that, the Duke and Earls caused you to come into a  
 ' secret Place at *Westminster*, and there shewed you the  
 ' Particulars of the Crimes abovesaid. To whom you  
 ' then answered likewise, that the said *Simon* was not  
 ' guilty in any of those Points. And there they took up-  
 ' on them traiterously to have you by Force consent to  
 ' the Judgment they had designed against him; and yet  
 ' you would not consent to any Judgment to be given  
 ' against the said *Simon*. Yet nevertheless, the said  
 ' Duke



K. Richard II. ' Duke and Earls took upon them Royal Power, in  
 ' Prejudice of you, and in Derogation to your Crown,  
 ' and without your Assent, and contrary to your Will,  
 ' in your Absence, and in the Absence of many other  
 [ 468 ] ' Peers of Parliament, without their Assent, and against  
 ' their Wills, they awarded that the said *Simon* should  
 ' be drawn, hanged, and beheaded; and thereupon they  
 ' traiterously caused his Head to be struck off, against  
 ' your Peace, Crown, Majesty, and Dignity.

III. ' The aforesaid Duke, Earls, and *Thomas Mortimer*,  
 ' continuing their malicious, false, and traiterous  
 ' Purposes and Force, at *Huntingdon*, on *Thursday* the  
 ' 6th of *December*, in the said 11th Year, traiterously  
 ' agreed, and intended to have gone with their Forces  
 ' to any Place of the Kingdom, where they might have  
 ' found your Royal Person, to have surrendered to you  
 ' their Homage Liege, and to have deposed you; and  
 ' this they would have done, had they not been hinder-  
 ' ed by *Henry of Lancaster* Earl of *Derby*, and *Thomas*  
 ' *Mowbray* Earl of *Nottingham*. And the said Duke and  
 ' Earls continuing their traiterous Intention and Force,  
 ' by Agreement between them, caused the Records in  
 ' your Treasury, of the Time of your Grandfather  
 ' King *Edward*, to be searched, how he demised his  
 ' Crown; and they shewed to you, in Writing, the  
 ' Causes of the Demise of his Crown in your Palace at  
 ' *Westminster*, in the Time of Parliament, in the said  
 ' 11th Year, and they said, falsely and traiterously, that  
 ' they had Cause sufficient to depose you, but for the Re-  
 ' verence they had for your most Noble Grandfather,  
 ' and Father; and they said also, that, in Hopes of your  
 ' better Government, they would suffer you to con-  
 ' tinue in your Royal Estate and Regality.

IV. ' Which Treason so imagined. done, and per-  
 ' petrated by the aforesaid Duke, Earls, and *Thomas*  
 ' *Mortimer*, against your Royal Person, Estate, Maje-  
 ' sty, and Dignity, as is above declared, we the Ap-  
 ' pellants (there named) your loyal Lieges, have been  
 ' and are ready to prove against the said Duke, the Earls  
 ' of *Arundele* and *Warwick*, and *Thomas Mortimer*, as  
 ' you, our most dread Lord, and this high and honour-  
 ' able Court, your Parliament, shall order.'

These Articles having been read, the Lords Appellants<sup>b</sup> prayed the King that the Accused might be brought before him, in Parliament, to make their Answer. Accordingly *Ralph Lord Nevil*, Constable of the Tower, there present, had Orders to bring before them *Richard Earl of Arundele*, his Prisoner, which he did, on the fourth Day of this Session of Parliament. The Duke of *Lancaster*, being constituted Lord High-Steward of *England*, *pro hac Vice*, told the Prisoner, that he was impeached of divers Acts of High Treason; and the Appeal being read to him, his Answer was, 'That he had a general Pardon in the Parliament held in the 11th Year of the King; as also a Charter of Pardon made to him within six Years last past, both which he prayed might be allowed.' The Lord High-Steward told the Earl, by Command of the King and Consent of Parliament, 'That the Pardon granted in the 11th Year, was made by Constraint upon the King, by the said Duke, Earls, and others of their Party, assuming to themselves Royal Power, in Prejudice to the King, his Royal Estate, Crown, and Dignity; and that the Charter of Pardon was made in Deceit of the King, and expressly against him and his Royal Dignity; wherefore, upon the Request of the Commons, by Consent of the King and all the Estates of Parliament, the said Pardon and Charter had been in this Parliament repealed and made void.' The Earl was asked If he had any Thing more to say; and he being silent, Sir *William Clopton*, Chief Justice of the King's Bench, by the King's Command, declared to him the Law, and the Punishment he must undergo, if he pleaded nothing else; for, if he did not, he would be convicted and attainted of all the Matters objected against him. But upon the Earl's still insisting on his Charter and Pardon, and demanding the Allowance of them, the

Lords

<sup>b</sup> Honest *J. Stowe* is so particular in describing the Proceedings of this Parliament, that he gives us the Dress the Lords Appellants wore on this Day. They were clad, says he, in red Gowns of Silk, garded and boarded with white Silk, and embroidered with Letters of Gold. He adds, that the Earl of *Arundele* came to his Trial in a red Gown and Scarlet Hood, which the Duke of *Lancaster* ordered the Lord *Nevil* to take off, along with his Girdle. *Stowe's Chronicle*. 316.

Both this Earl and the Earl of *Warwick* had been taken by the King's Command, and sent Prisoners to the Tower, some Time before. *Frei-*

[ 469 ]

[ 470 ]

K. Richard II. Lords Appellants, in their proper Persons, prayed the King, 'That it would please him to give Judgment upon him as convicted of all the Points on which he was accused.'

The Earl of Arundele convicted,

Then the Lord High-Steward, by Command of the King, all the Lords Temporal, and Sir *Thomas Piercy*, Proctor for the Clergy<sup>d</sup>, as before taken Notice of, adjudged the said Earl of *Arundele* 'Guilty and convict of all the Points on which he stood appealed, and, as a Traitor to the King and Realm, to be drawn, hanged, beheaded, and quartered: And farther, because his Treasons were of so high a Nature as to have gone about to surrender their Liege Homage, and depose the King, and that his levying War was so notorious, the said Lord High-Steward, by the Authority aforesaid, awarded that all his Castles, Manors, Lands, Tenements, Reversions, Fees, and every other Manor of Inheritance, as well in Fee-Tail as Fee-Simple, which were the said Earl of *Arundele's* on the 19th of *November*, in the 10th Year of the King, or afterwards; and also all the Lands and Tenements of which other Persons were infeoffed to his Use, the said 19th of *November*, or afterwards, with all his Goods and Chattels, should be forfeited to the King and his Heirs forever.' But the King graciously remitted that Part of his Sentence of being drawn, hanged, and quartered; and, to shew Equity as well as Rigour, the King and Lords, both Spiritual and Temporal, declared, That it was not their Intention that the Lands and Tenements, Fees, or any other Inheritance of which the said Earl stood

And beheaded.

[ 471 ]

<sup>c</sup> The aforesaid Author, *J. Stowe*, has given us a strange Account of this Trial, wherein he makes the Sum of the Earl's Answers to his Accusers to be, *Thou lies, and thou lies. Ibid.* 317. Another Historian writes, That the King declared, He had been more affronted by the Earl of *Arundele* than any of the rest, in the Person of the late Queen; who was upon her Knees three Hours, at one Time to him, begging the Life of *John Calverlie*, one of her Esquires, and all the Answer she could get from this haughty Earl, was, *Madam, pray for yourself and your Husband, for that is best, and let this Suit alone.* *Hollinghead's Chronicle*, p. 490.

<sup>d</sup> Mr. *Collier* here again observes, That, at this Trial, Sir *Thomas Piercy*, the Proxy for the Bishops, was one of the Earl's Judges, and joined in the Sentence with the Temporal Lords; from which he infers, that the Bishops withdrawing from the House of Lords, in Cases of Blood, was only a voluntary Absence, occasioned by the Restraint of the Canons. For, adds he, a Delegation from a Principal to a Proxy must carry the same Authority with the Person he represents. *Col. Ecc. Hist.* Vol. I. 601, 22

stood infeoffed, to the Use of another, should in any <sup>K. Richard II.</sup> Manner be forfeited by reason of this Judgment <sup>e</sup>.

On the very same Day that the Earl of *Arundele* was brought into Parliament, and tried and convicted, the King directed his Warrant to *Thomas* Earl Marshal, Governor of the Town of *Calais*, or to his Lieutenant, signifying that he should bring over the Body of *Thomas* Duke of *Gloucester* with all the Speed he could, to answer to divers Articles of Treason objected against him, in Parliament, by the Appellants, according to the Law and Custom used in *England*, and further to receive the Orders of the King and Parliament concerning him. This Writ bears Date at *Westminster*, Sept. 21, in the 21st Year of his Reign, by the King and Council in Parliament. <sup>f</sup>

The Answer, or Return, of the Earl Marshal to this Warrant, was, 'That he could not bring the said Duke before the King and his Council in that Parliament, for that being in his Custody, in the King's Prison at *Calais*, he there died.' This Return was made September 24.

Upon the reading of this Warrant and Return in Parliament, the Lords Appellants, in their proper Persons, prayed the King, 'That the said Duke of *Gloucester* might be declared a Traitor and an Enemy to him, as having levied War in this Kingdom against his Person, and contrary to his Allegiance: And that all his Lands, Tenements, Goods, and Chattels, might be forfeited, as in this Case, notwithstanding his Death, they ought to be.' Then the Commons prayed the King and Lords, 'That since it was notoriously known to his Majesty and all the Estates of this present Parliament,

[ 472 ]

VOL. I. I i and

<sup>e</sup> The King, out of Respect to his Quality, changed the Sentence to Beheading only, and he was executed the same Day on *Tower-Hill* *Stowe*, 317. See an Account of this Earl's Behaviour at his Death in *Hollingshead's Chronicle*, p. 493. Father *Orleans*, in his History of the Revolutions of *England*, makes, upon this Occasion, the following Remark, 'That the *English* Nation, as well as most of their Authors, are always favourable to Rebels. After the Death of the Earl of *Arundele*, the Populace began to ascribe Miracles to his Tomb; such as they had formerly done to *Montfort* Earl of *Leicester*, adds the Jesuit, under *Henry III.* and the Earl of *Lancaster* under *Edward II.* who both died for much the same Cause with *Arundele*.' *Pere d'Orleans*, Vol. II.

<sup>f</sup> The Writ and Return to it are both printed, from the Record, in *Dr. Brady's Appendix*, No. III. Also in the *Public Acts*, Vol. VIII. p. 15. But principally in the *Placita Coronæ*.



K. Richard II. ‘ and to all the Kingdom, that the said Duke, and  
 ‘ others of his Party, assembled at *Haringhay*, in the  
 ‘ County of *Middlesex*, with a great Number of People,  
 ‘ armed and arrayed, to make War against the King,  
 ‘ contrary to their Allegiance, and came with those  
 ‘ Forces into the King’s Presence, which was levying  
 ‘ War against their Liege Lord, that he might there-  
 ‘ upon be adjudged as a Traitor, and his Lands, Tene-  
 ‘ ments, &c. notwithstanding his Death before, for-  
 ‘ feited.’ Whereupon all the Lords Temporal, and the  
 asoresaid Sir *Thomas Piercy*, Proctor for the Clergy, ha-  
 ving been singly examined, declared that the said Crime  
 and Treason was notoriously known to them and the  
 whole Kingdom; wherefore they, with the King’s As-  
 sent, declared him guilty of levying War as a Traitor,  
 and adjudged all his Castles, Lands, Manors, &c.  
 which he was possessed of on the 13th of *November*, in  
 the 11th Year of this Reign, to be forfeited to the King  
 and his Heirs; and that none of his Issue, or Heirs of  
 his Body, or their Issue or Heirs, in Time to come,  
 should ever bear the Royal Arms of *England* entire, or  
 with Difference; or, in any other Manner whatsoever,  
 should inherit the Crown of *England*.

The Duke of  
*Gloucester*, tho’  
 dead, declared  
 guilty of High  
 Treason.

On the 25th of *September* the said Appellants prayed  
 the King in full Parliament, that if there was any Thing  
 upon Record, either by Confession of any Person accused,  
 or any other Person whatsoever, touching their Appeal,  
 that it might be openly known and declared in full Par-  
 liament. Upon which Petition, by the Advice of the  
 Lords Temporal, the King commanded that a Commis-  
 sion, bearing Date the 17th of *August* last past, directed  
 to Sir *William Rickhill*, one of the Justices of the com-  
 mon Bench, together with a Confession made before him  
 by *Thomas*, late Duke of *Gloucester*, by Virtue of the  
 abovesaid Commission, with the Return of that Com-  
 mission, be read in Parliament. The Duke’s Confes-  
 sion is in old *English*, and was not the Matter of it very  
 particular, the Language deserves our Notice, as another  
 Specimen, from a Prince, of the Inelegance of the *Eng-  
 lish* Tongue in those Days.

[ 473 ]

‘ This is the Answer of *William Rickhill* to the Com-  
 ‘ mission of his Liege Lord the King. *Thomas*. Duke of  
 ‘ *Glou-*

' Gloucester, be the Name of *Thomas Woodstock*, the Zer K. *Richard II.*  
' of the King *Richard* twenty-one, in the Castle of *Caleys*, by Vertue of a Commission of the King, as it is  
' more plainly declared in the same, directed to *William*  
' *Rickhill*, Justice, hath I know and confessed to fore the  
' same *William* all the Matters and Points I wrote in  
' this great Roll annexed to this Schedule, the which  
' Schedule and great Roll, both sealed under the Seal of  
' the aforesaid *William*, and all the Matters and Points I  
' know and confessed by the aforesaid Duke in the Castle  
' of *Caleys*, the foresaid Duke be his own Hand fully and  
' plainly I wrote, and delevered it to the same *William*  
' *Rickhill* touching this Matter, as it was done in the  
' Presence of *John Lancaster* and *John Lovetost*, and in  
' none other Manner.'

I *Thomas of Woodstock*, the Zer of my Lord the His Confession  
King twenty-one, be the Vertue of a Commission of my while in Prison  
Lord the King the same Zer, directed to *William Rick-*  
*hill*, Justice, the which is comprehended more plainly in the  
foresaid Commission, knowleche that I was one with sterynge  
of other Men to assent to the making of a Commission, in  
the which Commission I, among other, restrained my Lord  
of his Freedom, and took upon me, among others, Power  
Regal, truly not knowing ne witting that Time that I did  
against his Estate, nor his Royaltie, as I did after, and  
do now; and forasmuch as I knew afterward that I had  
done wrong, and take upon me more than I ought to do, I  
submitted me to my Lord, and cried him Mercy and Grace,  
and yet do as truly and as meekly as any Man may, and  
put me high and low in his Mercy and Grace, as he hath  
always been full of Mercy and Grace to all other.

Also, in that Time, that I came armed into my Lord's  
Presence, and into his Palace, howsoever that I did it for  
Drede of my Life, I knowleche for certain that I did Evil,  
and against his Regalitie, and his Estate, wherefore I sub-  
mit me lowly and meekly to his Mercy, and to his Grace.

[ 474 ]

Also, in that I took my Lord's Letters of his Messages,  
and opened them against his Leave, I knowleche that I did  
Evil, wherefore I put me lowly in his Grace.

Also, in that, that I sclaundred my Lord, I knowlech  
that I did Evil and wickedly in that, that I spake to him  
in sclaunderous wise, in Audience of other Folk; bot by the

K. Richard II. *Way, that my Soul shall too, I meant none Evil therein, nevertheless I wot and knowleche that I did Evil and unkindly, wherefore I submit me high and low in his Grace.*

*Also, in that I, among other, communed and asked of certain Clercs, whether that we might give up our Homage for Drede of our Lives, or not, and whether that we were assentid thereto for to do it, trewly, and by my Troth, I ne have now none full Mind thereof, but I trow rather yes than nay, wherefore I submit me high and low evermore in his Grace.*

*Also, in that, that I was in Place where it was communed, and spoken in Manner of Deposal of my Liege Lord, truly I knowlech well, that we were assentid thereto for two Days or three, and then were for to have done our Homage and our Othes, and put him as highly in his Estate as ever he was; but forsooth there I knowlech that I did untruly, and unkindly as to him, that is my Liege Lord, and hath been so good and kind Lord to me, wherefore I beseech to him, notwithstanding myn Unkindness, evermore of his Mercy and of his Grace, as lowly as any Creature may beseech it unto his Liege Lord.*

*And as of any new Thing or Ordenance, that ever I should have Witting or known, ordained or assentid, privy or appert, that should have been against my Lord's Estate, or his Will, or any that longeth about him, syth that Way I swore unto him at Langley, on God's Body truly, and by that Othe that I there made, I never knew of gathering against him, ne none other that longeth unto him.*

*And as touching all these Points, that I have made Confession of to Sir William Rickhill, Justice, in the which I wot well that I have offended my Lord unkindly and untruly, as I have said before, how that I have in all these Points offended him, and done against him, trewly, and as I will answer before God, it was my meaning and my weaning to do the best for his Person, and for his Estate; nevertheless I wot well, and know well now, that my Deeds and my Workings were against my Intent; but, by the Way, that my Soul shall too of these Points, and of all other the which that I done of Negligence and of Unkunning, it was never myne Intent, ne my Will, ne for my Thought, for to do a Thing that should have been Distresse or Harming against the Salvation of my Liege Lord's Person, as I will answer before God at the Day of Judgment.*

*And*

*And therefore I beseech my Liege and Sovereign Lord<sup>K. Richard II.</sup> the King, that he will, of his high Grace and Benignity, accept me to his Mercy and his Grace, as I that put my Life, my Body, and my Goods, wholly at his Will, as lowly as meekly as any Creature can do or may do to his Liege Lord; beseeching to his High Lordship, that he will, for the Passion that God suffered for all Mankind, and the Compassion that he had for his Mother on the Crosse, and the Pity he had of Mary Magdalen, that he will vouchsafe for to have Compassion and Pity, and to accept me to his Mercy and to his Grace, as he that hath ever been full of Mercy and of Grace to all his Lieges, and to all other that have nought been so nigh unto him as I have been, though I been unworthy.—So far in English.*

After this Return to the Commission had been read, the Appellants prayed that Sir *William Rickhill*, approved for his great Loyalty and Discretion, might be commanded by the King, upon his Allegiance, to declare the Truth touching this Confession; who, in the Presence of the King, the Lords Spiritual and Temporal, and Commons, in Parliament, said and declared, ‘ That, ‘ about Eight o’Clock before Noon, he came within the ‘ Castle of *Calais* to the Duke of *Gloucester*, who was ‘ then of good Memory and out of Prison; that he ‘ shewed him his Commission, and the Cause of his ‘ coming, in the Presence of *John Lancaster* and *John Lovetost*; and desired that what he, the said Duke, ‘ had to say to it he would put down in Writing, and ‘ then he departed. Returning to him about Nine of ‘ the Clock in the Afternoon of the same Day, the Duke ‘ read, in Writing, the said Confession, with his own ‘ Mouth, and gave the same to *William Rickhill* with ‘ his own Hand. Further, *William Rickhill* said to the ‘ said Duke, That if there was any Thing more touch- ‘ ing this Matter, that he would speak it for the ‘ King’s Satisfaction, for that the King would know the ‘ whole Truth of the Affair: Whereupon the Duke ‘ said he had forgot one Thing that then came into ‘ his Memory, that he said to his Majesty, *If he de- ‘ signed to be King, he must not intercede for Sir Simon ‘ Burley, to save him from Death*: And he desired the

[ 476 ]

I i 3

‘ said

Et estant alors en bonne Memoire, et hors de Duree de Prison. Record.



K. Richard II. ' said *William Rickbill* to shew this to the King by  
' Word of Mouth <sup>h</sup>.

To keep up the Impartiality of these Inquiries, it is necessary to say, that, notwithstanding the Formality of the Confession, and this Deposition of the Judge relating to it, yet most Historians agree that this Noble Duke was privately murdered at *Calais*, because the King and Council durst not bring so popular a Prince to an open Trial: And *Tyrrel*, though he has given the abovesaid Confession at large, yet concludes with saying that it was *extorted* from the Duke; and that he was one that stood up highly for the Liberties and Rights of the People, and was greatly beloved by them: But yet he owns that he was one of so high and turbulent a Temper, as greatly exasperated the King his Nephew, which gave Occasion to those that hated the Duke to work his Ruin; to which the King too readily consented <sup>i</sup>.

[ 477 ]

But to proceed with the Record, and leave the Judgment of these Matters to others. On the 28th of September the Constable of the Tower brought before the Parliament *Thomas* Earl of *Warwick*, who was told by the Duke of *Lancaster*, Lord High-Steward, by Command from the King and all the Lords Temporal, that he was accused by *Edward* Earl of *Rutland*, and the other Appellants, there named, of divers High Treasons, which were all comprehended in two Articles, that of assembling with Force and armed Men at *Haringhay*, &c. and the Charge about Sir *Simon Burley*, which were drawn up in the same Words as in the Case of the Earl of *Arundele*. To all which he answered, ' That he ' well understood those Treasons and wicked Deeds; ' that he was guilty of them, and put himself upon the ' King's

The Earl of  
*Warwick* con-  
victed,

<sup>h</sup> Et pria le dit William Rickhill quil verroit monstrer certe Matire ou Roy pur Bouch. Placita Coronæ.

<sup>i</sup> His Body was afterwards brought into *England*, and buried in *Westminster Abbey*, where his Tomb still remains.

Sir *John Froisart*, a Contemporary Historian, and very conversant in King *Richard*'s Court, has a very long Chapter under this Title, *How the Duke of Glocestre subtilly sought out the Means how to destroye King Rycharde of Englande, his Nephue*: And says expressly that the King was driven to these Straits, either to destroy or be destroyed himself. Book III. cap. cccxii and cccxiii.

See also *Fabian's Chron.* Part VII. Fol. cxlix.

Also *Hollingshead*, p. 487; where there is a large Account of the Duke's haughty Behaviour to the King, and his secret Combination against him. *Polydore Vergil* styles this Duke, *Vir ferocissimus et precipitis Ingenii.* *Hist. Ang.* Lib. xx.

‘King’s Mercy and Grace<sup>k</sup>.’ Upon which the Duke K. Richard II. of Lancaster, by Command of the King, and Consent, as aforesaid, of all, pronounced the very same Sentence against him, in all Things, as he had done against the Earl of Arundele. But, adds the Record, the King moved with Pity, to the Reverence and Honour of God, at the Prayer of the Appellants, the Lords Spiritual and Temporal, and Commons in Parliament, remitted Part of the said Judgment, and granted him his Life; so that his Sentence was, *To remain Prisoner in the Isle of Man during his Life; upon Condition, that if any Means were made Use of to the King or his Heirs, to gain him any further Favour, or if he should make his Escape, then the Judgment against him for Death should be put in Execution, and the King’s Grace should be void.* And banished,

This done, the Commons before the King, in Parliament, affirmed the said Appeals to be all good and lawful. Afterwards the Lords Appellants impeached *Thomas Mortimer* of the Treasons comprized in the said Accusation; but he, being then in *Ireland*, fled into the Mountains to the *Irish* Rebels for Protection. A Proclamation was thereupon ordered in Parliament, to be made throughout *Ireland*, that he should surrender himself in *England*, within three Months, to answer to the Impeachment, or else be declared a Traitor; and all his Manors, Castles, Lands and Tenements, &c. which he was possessed of on the 13th of *November*, as in the former Cases, should be forfeited to the King<sup>l</sup>. Thomas Mortimer makes his Escape

[ 478 ]

A Proclamation was thereupon ordered in Parliament, to be made throughout *Ireland*, that he should surrender himself in *England*, within three Months, to answer to the Impeachment, or else be declared a Traitor; and all his Manors, Castles, Lands and Tenements, &c. which he was possessed of on the 13th of *November*, as in the former Cases, should be forfeited to the King<sup>l</sup>.

After these severe Proceedings, the Commons interceded with the King, for his Favour towards the Bishops and Lords who were named Commissioners in the former Commission, made in the 10th Year of his Reign, but neither procured it, consented to it, nor acted in the Execution of it. Three of these were yet alive, viz. the Duke of York, the Bishop of Winchester, and Richard le Scrope. The four dead were William late Archbishop of Canterbury, Alexander late Archbishop of York, Thomas late Bishop of Exeter, and Nicholas late Abbot

<sup>k</sup> *J. Stowe* writes, That he behaved himself like an old Woman at his Trial, confessed all Things contained in the Appeal, weeping, wailing, and howling, and submitting himself in all Things to the King’s Mercy. *Chron.* p. 318.

<sup>l</sup> The Writ directed to Roger Mortimer, Earl of March, the King’s Lieutenant in *Ireland*, with the Proclamation against Thomas Mortimer, included, is preserved in the *Public Acts*. Tom. VIII. p. 16.

K. Richard II. Abbot of *Waltham*, whose Loyalty and Innocency were acknowledged in open Parliament. The Declaration of which, by the Advice of the Lords, and at the Request of the Commons, the King caused to be made into a Statute.

The Commons further humbly beseeched the King, ' That he would please to consider how that, at the ' Time when *Thomas Duke of Gloucester*, *Richard Earl of Arundele*, and *Thomas Earl of Warwick*, did rise in ' Arms against their Allegiance to the King, the said ' Duke and Earls would have come and seized the Person of the King, killed a great Number of his Subjects, and would have accomplished their wicked Purpose and Intent, if they had not been let and hindered ' by those honourable Persons of the King's Blood, ' *Henry of Lancaster*, Earl of *Derby*, and *Thomas de Mowbray*, Earl of *Nottingham*: These Noblemen ' well understood that the said Duke and Earls were notoriously acting against their Allegiance and the King's ' Estate; and, being willing to do their Duty, left the ' other's Company and came to him. Therefore the ' said Commons specially recommended the Persons of ' the Earls of *Derby* and *Nottingham* to his Favour.' Whereupon the King, sitting in his Royal Throne, in Parliament, answered, *That this Matter was better known to him than to any other, and he both witnessed and declared the good Behaviour, Loyalty, and Fame of the said two Earls, and held them for his loyal Subjects, and that they should be reported and taken for such throughout the Realm. Further, that they should be excused from any Impeachment, Molestation, or Grievance, for the Cause aforesaid, in any Time to come*<sup>m</sup>.

Then, with the Advice and Consent of all the Lords in Parliament, and at the Prayer of the Commons, the King ordained and established that this Declaration and Grant should have the Force of, and be holden for, a Statute; and that all Judgments, Declarations, Ordinances, and Establishments, made in this Parliament, should have the same Force and Vigour as a Statute.

It was in this Parliament also that the King, with the Consent of all, erected the County of *Chester* into a

Prin-

<sup>m</sup> These two Peers had been Joint-Appellants with the three impeached Lords. See before p. 412, 437. Rot. Parl. 21 Ric. II. No. 27.

Principality, and annexed to it all the Castles, Lord-K. Richard II. ships, Rents, &c. in the Counties of *Flint* and *Salop*, which did belong, and are now forfeited, to the Crown, by the Attainder of the late Earl of *Arundel*, the Title of Prince of *Chester*, for ever, to be fixed on the King's eldest Son. The Estates of the Duke and Earl of *Warwick* were annexed to the Crown. The County of Chester made a Principality.

Also the King, in some Measure to reward the Loyalty of his Nobility, shewn at this Time, made several new Creations in this Parliament: For, on *Michaelmas-Day*, *Henry* Earl of *Derby*, was made Duke of *Hereford*; *Edward* Earl of *Rutland*, Duke of *Albemarle*; *Thomas* Promotions. *Holland* Earl of *Kent*, Duke of *Surrey*; *John Holland* Earl of *Huntingdon*, Duke of *Exeter*; both the King's Half-Brothers. *Thomas Mowbray* Earl of *Nottingham*, Duke of *Norfolk*; *John Beaufort* was made Earl of *Somerset* and Marquis of *Dorset*; *Thomas* Lord *Despenser*, Earl of *Gloucester*; *Ralph* Lord *Nevile*, Earl of *Westmoreland*; *Thomas* Lord *Piercy*, Earl of *Worcester*; and *William* Lord *Scrope*, Earl of *Wiltshire*.

After all which Ceremonies were ended, we are told, by the Records, that the King, on the same Day, considering there were several great Affairs still depending, that could not very well be determined at that Time, and for other Causes and Reasons thereunto moving him, did adjourn this present Parliament from *Westminster* to the *Quindene* of *St. Hilary* next coming, to be holden at *Shrewsbury*, and ordered all States and Degrees to take Notice and there to attend; after which he gave Leave to the Lords and Commons to depart for that Time. The Parliament adjourned to Shrewsbury.

Notwithstanding the great Business of this Session was now over, which, in all, lasted but twelve Days, yet a Matter of some Moment occurs, which was the immediate Consequence of it. For the very next Day, being *Sunday*, and the Feast of *St. Jerome*, *September 30*, the Lords Spiritual and Temporal, after Mass was celebrated in the Abbey-Church at *Westminster*, before the Shrine of *St. Edward*, took an Oath in the King's Presence; and the Prelates, that is to say, all the Bishops there present, with several Mitred Abbots and Priors, whose



**R. Richard II.** whose Names and Titles, with the Form of the Oath, is copied from the original Roll, as follows :

The Archbishop of York,	The Bishop of <i>Chichester</i> ,
The Bishop of London,	The Bishop of <i>St. Asaph</i> ,
The Bishop of <i>Winchester</i> ,	The Bishop of <i>Carlisle</i> ,
The Bishop of <i>Ely</i> ,	The Bishop of <i>Llandaff</i> ,
The Bishop of <i>Duresme</i> ,	The Prior of <i>St. John</i> of
The Bishop of <i>Salisbury</i> ,	<i>Jerusalem</i> in England,
The Bishop of <i>Excester</i> ,	The Abbot of <i>Westminster</i> ,
The Bishop of <i>Bangor</i> ,	The Abbot of <i>St. Alban's</i> ,
The Bishop of <i>Worcester</i> ,	The Prior of <i>Canterbury</i> .
The Bishop of <i>Hereford</i> ,	

*' You shall swear, That well and truly you shall hold, sustain, and maintain, without Fraud or Deceit, all the Statutes, Establishments, Ordinances, or Judgments, made or given in this Parliament, without doing any Thing to the contrary of any of them, or the Dependencies on, or Parcel of them ; nor that you will ever repeal, revoke, cassate, make void, reverse, adnull, nor ever suffer them to be repealed, revoked, cassated, made void, reversed, or adnull'd, so long as you live ; saving to the King his Royalty, Liberty, and the Right of his Crown.*

And so soon as they had sworn, the Lords Temporal, in the same Place, in the Presence of the King, took the same Oath ; that is to say,

The Duke of <i>Guienne</i> and	The Earl of <i>Westmoreland</i> ,
<i>Lancaster</i> ,	The Earl of <i>Worcester</i> ,
The Duke of <i>York</i> ,	The Earl of <i>Wilts</i> ,
The Duke of <i>Hereford</i> ,	The Lord <i>de Camoys</i> ,
The Duke of <i>Albemarle</i> ,	The Lord <i>de Bouchier</i> ,
The Duke of <i>Surrey</i> ,	The Lord <i>de Powys</i> ,
The Duke of <i>Excester</i> ,	The Lord <i>Fitz-Walter</i> ,
The Duke of <i>Norfolk</i> ,	The Lord <i>de Roos</i> ,
The Marquis of <i>Dorset</i> ,	The Lord <i>de Harrington</i> ,
The Earl of <i>Oxford</i> ,	The Lord <i>de Burnell</i> ,
The Earl of <i>Stafford</i> ,	The Lord <i>de Berkely</i> ,
The Earl of <i>Northumber-</i>	The Lord <i>de Darcy</i> ,
<i>land</i> ,	The Lord <i>de Willoughby</i> ,
The Earl of <i>Salisbury</i> ,	The Lord <i>Grey</i> of <i>Codnore</i> ,
The Earl of <i>Gloucester</i> ,	The Lord <i>Grey</i> of <i>Ruthin</i> ,

The

The Lord *de Scales*,  
The Lord *de St. Amand*,  
The Lord *de Furnivall*,  
The Lord *de Ferrers*,  
The Lord *de Seymour*,  
The Lord *de Lovell*,  
The Lord *de Bardolph*,

The Lord *de Morley*,  
*William Beaumont*, Lord of  
*Burgavenny*,  
*Ralph de Cromwell*,  
*Ralph de Lumly*,  
*Philip le Despenser*.

K. Richard II.

And did swear further in these Words :

*You shall swear that, in Time to come, you shall never suffer any Man living to do any Thing contrary to the Statutes, Establishments, Ordinances, and Judgments made or given in this present Parliament, nor to any Dependencies on, or Parcel of, them: And if any one shall do so, and be duly convicted, you shall use your entire Power and Diligence, without Fraud or Deceit, to prosecute him before the King, and his Heirs, Kings of England, and cause him to have Execution as an high and false Traitor to the King and Kingdom; saving to the King his Royalty, Liberty, and Right of his Crown.*

The Temporal  
Lords swear to  
support the Re-  
solutions of this  
Parliament.

Then the King asked the Knights of Shires there present for the Parliament, *If they would hold and keep the same Oath?* Who promised with loud Voices<sup>n</sup> to keep it, holding up their Hands on high, as a Sign of their Affirmance of the said Oaths.

And, immediately after, Sir *Thomas de Piercy* made the same Oath the Lords Temporal had made, for and in the Name of the Clergy, as their Procurator-General, by Authority abovesaid.

This done, the King, the Prelates, and Lords Temporal, went from the Shrine of *St. Edward*, and came before the high Altar of the Church; and there, for the Establishment and Affirmance of these Things, the Prelates and Ordinaries of the Provinces of *Canterbury* and *York*, with one Assent, did pronounce the Sentence of the greater Excommunication against all and every of the Subjects of both Provinces, that openly or privately, by Deed, Counsel, or Advice, should contravene or do against any of the aforesaid Premises; the King's Royalty and Prerogative in all Things saved.

This was the strongest Assurance that any King ever did or could take from his Subjects; for if Oaths in our  
Days

<sup>n</sup> *Avesque* haut Voices. Record,

**R. Richard II.** Days are not so binding as they should be, yet in those Times the temporal as well as eternal Punishment, denounced against the Breakers of them, must have been regarded: But what small Faith Princes depend on, who rely on nothing else but such slender Assurances from their Subjects, may be notably demonstrated by the ensuing Revolution.

**Anno Regni 21.** At the Time appointed, *Jan. 27, 1398*, this Parliament met again, according to the late Adjournment, at *1398.*  
**At Shrewsbury.** *Shrewsbury* °; and on the Day of their re-assembling the Lord High-Chancellor put them in Mind ‘That  
 ‘this Parliament was first summoned to *Westminster* for  
 ‘the Honour of God, and that Holy Church might enjoy all her Liberties and Franchises; and the Knights,  
 ‘Citizens, and Burgeses theirs also, as strongly as they  
 ‘ever did in former Times: That there might be no  
 ‘more Governors in the Kingdom than one; also that  
 ‘the Laws might be duly obeyed and executed, as he  
 ‘more fully explained to them in setting forth and declaring the Cause at the Beginning of this Parliament.’  
 The Chancellor then applied himself particularly to the Commons, and said, ‘That the King wanted to be  
 ‘informed by them, how the Charge should be borne  
 ‘for the Defence of *England, Ireland, Guienne, the*  
 ‘*Marches of Calais*, and also those of *Scotland*, in Case  
 ‘they kept not the four Years Truce, which was to end  
 ‘at *Michaelmas* next.’

Though the Proceedings of both these Sessions of this Parliament go on, in the Rolls, as if they were all one, yet the same Formality of presenting the Speaker and his Protestation, was observed in this as well as the former, though he was the very same Person, Sir *John Bussy*.

**Sir JOHN BUSSY,**  
Speaker.

[ 483 ]

In this Session of Parliament the Lords Appellants again, who (though the same Persons) had now higher Titles, as *Edward Duke of Albemarle, Thomas Duke of Surrey, John Duke of Exeter, John Marquis of Dorset, John Earl of Salisbury, Thomas Earl of Gloucester, and William Earl of Wiltshire*, set forth to the King, that certain Lords, lately convicted and attainted, viz. the Duke

° *Salopbris* in the Record. The Writ of Summons, directed to *Roger Earl of March, Lieutenant of Ireland*, requiring his Attendance at this Parliament at *Shrewsbury*, with the Reasons assigned for it, is extant in the *Public Acts. Dat. quinto Die Octobris. Tom. VIII. p. 21.*

Duke of Gloucester, with the Earls of *Arundele* and *Warwick*, by Coertion and Compulsion, had made him summon a Parliament at *Westminster* on the Morrow after *Candlemas*, in the 11th Year of his Reign; where were particularly recited all the Questions and Answers formerly put to, and made by, Sir *Robert Tresilian*, Chief Justice, with the other Judges and King's Serjeants at *Nottingham*, as are already recited <sup>p</sup>.

Then the Questions and Answers of the Judges, made at the Time aforesaid, were read over before the King, Lords, and Commons; and all the Estates in this Session of Parliament were severally asked, What they thought of those Answers? Who said, 'They thought the Judges had made and given their Answers duly and lawfully, as good and Liege People of the King ought to do.' After which Sir *Thomas Skelton*, learned in the Law, *William Hankeford*, and *William Brenckly*, the King's Serjeants, said, 'The Answers were good and lawful, and if the same Question had been put to them, they would have given the same Answer.' *William Thirning*, Chief Justice of the King's Bench, said, 'The Declaration of Treason, not already declared, belonged to Parliament, but, were he a Lord or a Peer of Parliament, and had been asked, he would have spoke in the same Manner.' So likewise *William Rickhill*, a Judge of the Common Pleas, and *William Clopton*, Chief Justice of the Common Bench, answered and affirmed the same Things: Therefore the former Answers of the Judges, in the 11th Year of the King, were judged and held to be good and sufficient by this Parliament <sup>q</sup>.

Then, by the Assent of the Lords Spiritual and Temporal, the Procurators of the Clergy, and the whole Body of the Commons, by and with the Advice of the Judges there present, it was decreed, ordained, and established, 'That the Parliament, holden the said

[ 484 ]

<sup>p</sup> See before, p. 406, 432.

<sup>q</sup> Monf. *Rapin* here makes a notable Remark: 'It may be further observed, says he, that the violent Method practised by *Richard* to attain to arbitrary Power, I mean forced Elections, and Opinions of the Judges, was exactly copied in our Days, by one of his Successors, who had without Doubt the same Intention. But we may add, that the Attempts of these two Monarchs served only to promote their own Destruction, and that their Designs came to the same Catastrophe.' *Hist. of Eng.* Fel. Ed. p. 468.—An invidious Reflection.



K. Richard II. 27th Year, shall be clearly annulled and held for none, as being done without the Authority, and against the Will and Liberty, of the King, and the Right of his Crown; and that all the Judgments, Statutes, and Ordinances made in the same, with all Things depending upon them, shall be revoked and annulled, reversed and repealed, and held for none; and that all Lands, Tenements, Fees, Advowsons, and other Possessions, seized as Forfeit, by Colour of the said Judgment, shall be restored and delivered to them who were condemned or put out, or else to their Heirs; and to them that have any Cause of Action, or Title of Right, all Manner of Liberties and Franchises as they had at any Time, with Restitution of Goods and Chattels.

All the Proceedings of Parliament in the 11th Year annulled.

To this Session of Parliament *Thomas Mortimer*, impeached in the last, had Time given him to make his Appearance and take his Trial; which he not doing, the Duke of *Lancaster*, as Lord High-Steward, with the Consent of the Lords Temporal, and the Earl of *Wiltshire*, then chosen Proctor for the Prelates and Clergy, gave Sentence and Judgment against him, according to the Tenor of the Proclamation.

On the same Day, which was Jan. 28, came on the Trial of *John de Cobham* Knight, who had been impeached by the Commons, in the last Session, for the same Crimes that *Thomas Mortimer* was, viz. That he, sitting in Judgment, awarded *Simon Burley* and *James Berners*, Knights, to be executed, as before, without the King's Assent, in his Absence, and in the Absence of many Peers of Parliament, who arose and would not sit in such Judgment, &c. against the Peace of the King, his Crown, and Dignity.

[ 485 ]

The Duke of *Surrey*, in whose Custody this Sir *John Cobham* was, brought him into Parliament to answer to the Articles alledged against him, and the Duke of *Lancaster* told him, That he was accused and impeached by the Commons, for the Treasons aforesaid, and commanded him to answer at his Peril. Upon hearing the

Impeach-

Mr. *Tyrrel*, though he has traced exactly, and in several Things has enlarged upon, and corrected Dr. *Brady*, in his Proceedings of this Parliament, yet has wholly omitted this Trial, which is as much upon Record as any of the rest. It is somewhat odd that this Sir *John Cobham*, who was but a Commoner, should be tried in the same Manner as the Archbishop and the other Peers.

Impeachment read, the Knight said, ‘ That, as to the K. *Richard II.*  
 ‘ making of the Commission, he was not guilty ; and, as  
 ‘ to the Use and Exercise of the same, he said he did  
 ‘ not meddle with it without the King’s Command, and  
 ‘ that he went to the King and told him, he with others  
 ‘ were made Commissioners, but that he would not act  
 ‘ according to the Commission without the King’s Li-  
 ‘ cence, who thereupon commanded him to act.’ To  
 this the King himself answered, *That he was under such*  
*Government at that Time, that he could say no otherwise,*  
*by reason of such as were then about him ; but that the*  
*Commission was made against his Will, the said John*  
*Cobham could not deny.* As to the Judgment and Award  
 made against the said *Simon and James*, the Prisoner  
 said, ‘ He was told by those who were then Masters,  
 ‘ that it was the King’s Will such Judgment and Award  
 ‘ should be made.’ Upon these Answers, the Com-  
 mons prayed the King to give Judgment against him,  
 as convict and attainted of the Use and Exercise of the  
 Commission, &c. Whereupon the Lord High-Steward,  
 by Consent as aforesaid, gave Judgment against the said  
*John de Cobham*, as in the Case of the Earl of *Arundele*.  
 But all those Judgments the King graciously pardoned ;  
 yet so that he was to be a Prisoner in the Isle of *Jersey*  
 during his Life, on the same Conditions as the Earl of  
*Warwick* in the Isle of *Man*.

*Sir John Cobham*  
 impeached and  
 banished.

The next Day *Sir John Bussy*, or *Busby*, Speaker of  
 the House of Commons, came before the King and  
 Lords, and said, ‘ That, before that Time, many Ordi-  
 ‘ nances and Statutes, made in divers Parliaments, had  
 ‘ been reversed by others of different Opinions, Reasons,  
 ‘ and Devices ; therefore he, in Behalf of the Com-  
 ‘ mons, prayed the King, That the greatest Security  
 ‘ which could be given might be done this Parliament.’  
 The King charged all the Estates, upon this Motion,  
 to give him their Advice for the best and most firm Se-  
 curity in this Case. The Lords answered, ‘ That they  
 ‘ had all sworn before to hold and keep the said Judg-  
 ‘ ments, Establishments, and Statutes, which, as  
 ‘ much as in them lay, they were resolved to main-  
 ‘ tain with all their Power.’ The King also demanded  
 of the Judges and Serjeants at Law, If they knew any  
 securer Way for the keeping and observing of the said  
 Ordinances

K. Richard II. Ordinances and Statutes? Who answered, The greatest Security which could be given was already done by this Parliament. Yet the Lords Spiritual and Temporal thought fit to renew their Oaths before the King in Parliament, upon the Cross of *Canterbury*; at which Solemnity, the Commons held up their Hands in Affirmance of the said Oaths, as did likewise the Proctors for the Clergy, and the Knights about the King. Then Proclamation being made, in the Audience of the whole Assembly, to know if they would consent to this Manner of Security, they answered, lifting up their Right Hands on high, and crying with a loud Voice, *That it pleased them well, and they fully consented thereunto.*—Lastly, and which was to establish the Proceedings of this Parliament on the most permanent Foundation, the King obtained the Pope's Letters, denouncing grievous Censures against all whatsoever that should presume, at any Time, and in any Manner, to break these Statutes. Which Letters the King caused to be publickly read at *Paul's Cross*, and in all the chief Cities of the Kingdom<sup>s</sup>.

A Subsidy granted for the King's Life.

[ 487 ]

The Day after, which was the last Day of this Parliament, the Commons, with the Assent of the Lords, granted to the King the Subsidy on Wooll, Leather, and Wooll-fells, for his Life; with a Protestation tho' that this Grant should be no Example to any of the King's Successors, Kings of *England*, proceeding only from the intire Love and Regard he had shewn to the said Commons. They also gave the King one whole Tenth and Fifteenth, and half a Tenth and Fifteenth, which was more than ever they had given to his Grandfather. But, upon these Grants, the Commons prayed his Majesty to bestow three or four thousand Marks on those that had been plundered at *Radcot-Bridge*, and to pay the Lords Appellants their Expences; both which were granted.

Then, on the same Day, an Act of Grace, or a general Pardon, was passed for all Things done before that Time; which was the last Day of *January*.

A general Pardon.

It is said, by many Historians, that there was an Exception made in this Pardon of fifty Persons from the Benefit of it; whose Names were not expressed, but left

<sup>s</sup> *Walsingham*, p. 356. The Pope's Bull of Confirmation is in the *Anonymous Life of Richard II.* p. 165.

left to the King's own Knowledge and Pleasure. By <sup>K. Richard II.</sup> which Reservation, say they, this General Pardon became no Pardon at all, since no Man in *England* could assure himself that he was not excepted in it<sup>r</sup>. But it is happy for the Memory of this unfortunate Prince, that this Pardon, or Act of Grace, is still upon Record, and is printed from thence in the last Edition of the *Statutes at large*; by which 'tis easy to disprove this scandalous Aspersi<sup>o</sup>n, and evidently shews how far a partial Historian will go, when he seeks to corroborate his favourite Principle. It appears by the Testimony above recited, that there are but two Exceptions made in the whole Act, and those very modest ones. The first is, 'That no Person whatsoever shall have the Benefit of this Act for Treason or Felony, unless he sue out his Charter of Pardon.' The next is, 'Provided also, that, at all Times, those Persons who rode and gathered themselves forcibly against the King, in the 11th Year of his Reign, with the Lords that are convicted and condemned, shall have no Benefit of this Act made at this Time, unless they sue out their Charters of Pardon for each before the Feast of St. *John Baptist* next coming<sup>u</sup>.'

And further, we find, in the Collection of *Public Acts*, a Writ, directed to the Sheriff of *Shropshire*, which was also sent to all the other Sheriffs in *England*, wherein the Time for taking out Pardons the King enlarges from *Midsummer* to the Feast of *All Saints*. And tho' the Substance of the former Act is recapitulated in this Writ, there is no Mention made of any such Exception in it<sup>r</sup>.

[ 488 ]

After the Grant of this Pardon, the King, by his own Mouth, declared in Parliament, *That if the Lords and Commons, who in Time to come may sit in Parliament, shall*

VOL. I. K k let,

<sup>t</sup> *Hollingshead's Chron.* p. 493; *Tyrrel's History of England*, Vol. III. p. 983; *Sam. Daniel in Kennet*, p. 278; *The Life and Reign of Rich. II. by a Person of Quality*, p. 165.

<sup>u</sup> *Purveur aussy tout foizze qe nully qi chivacherent et soy leverent forciblement contre le Roy. l'An de son Regne unxisme, ovek le Seigneurs qe sont ore adjuggez et conveüz, nozent nul Benefite de celle faite a celle Temps, s'ils ne poursuivent Chartres de Pardon en celle Partie parentre cy et le Feste de Seint Johan le Baptiste profchein avenir.*

See cap. xiv. in the Act of this Parliament, Anno 21 Richard II. in the *Statutes at large*, last Edition, et *Rot. Parl.* 21 Richard II. No. 77.

<sup>x</sup> *Fœd. Angliæ*, Tom. VIII. p. 40. Dat. apud Litchfeld, Junii 25.

There is a particular Pardon granted to Sir Richard le Scrope, for being concerned in the Commission, &c. Dated at *Westminster*, December 5, *Ibidem*, p. 26.



*K. Richard II.* let, or any ways disturb him in the Collection of the said Imposts on Wooll, Leather, and Wooll-fells, granted as above, then the said Pardon and Grace shall be void and of no Effect.

During this second Session, *Richard* brought into *Shrewsbury* a numerous Guard of the Militia of *Cheshire*, who expressed so strong an Inclination to serve him, that, to gratify the County, he erected it into a Principality; and added to the rest of his own Titles that of Prince of *Chester*, as is expressed in the Account of the first Session of this Parliament.

A private Petition, but which had a public Concern, came also before this Session of Parliament. *Thomas le Despenfer*, Grandson and Great Grandson to *Hugh* the Father and *Hugh* the Son, petitioned the King, in full Parliament, to have Redress; and recited the Petitions of his said Ancestors made to the King in a Parliament holden at *York* in the 15th Year of *Edward II.*<sup>a</sup>

The Parliament took this Affair into Consideration, and disannulled the Exile and Disherison of both those Earls for the following Reasons: *First*, Because they were not appealed, or called to answer, nor due Process against them made, according to Law. *Secondly*, Because the Prelates, who were Peers of the Realm, did not consent to the said Exile and Disherison. *Thirdly*, Because it was against *Magna Charta* that any one should be exiled or tried, or otherwise destroyed, without Judgment of his Peers. And the Petitioners farther set forth, That whereas this Annulment was afterwards made void in the first of *Edward III.* they pray that Statute may be reversed, and all the Articles and Things contained in it, for the Reasons abovesaid. The Petition was granted, and the Statute reversed and made void accordingly; not only for the Causes before expressed, but also considering that the Repeal was made by King *Edward III.* at such Time as his Father *Edward II.* was living, being very King, and in Prison, so that he could not resist the same. But we shall find that all these Proceedings were again reversed in the first Parliament of King *Henry IV.* on which Mr. *Tyrrel* makes this just Remark, ‘ That there can nothing be con-

cluded

<sup>a</sup> This Petition, and the Proceedings upon it, take up great Part of the Roll of this Parliament.

[ 489 ]

The Disherison  
of the two De-  
spensers annull'd.

cluded from the Precedents of these two Parliaments, K. Richard II, as well as some others, but that they have for the most Part voted according to the present ruling Temper of the Nation, or the Inclination of the Prince that called them.

But, before we conclude with the Transactions of this Parliament, we must recite an Affair which now happened, greater in its Consequences than any Thing which has been hitherto related. The Reader may observe, that in the List of the Lords Appellants, given at the Beginning of this Session, the Names of the Dukes of *Hereford* and *Norfolk* are not mentioned, tho' they were both concerned in the Impeachments. This could proceed from nothing else than a mortal Quarrel which had then happened between these two Noblemen; and which the former was about to accuse the other of before the King and Parliament.

As a Prelude to the main Affair, on the last Day of this Parliament the Duke of *Hereford* took Occasion to fall on his Knees, in a very humble Manner, before the King, in the Presence of both the Houses, and spoke thus to him; 'My Liege Lord, I know well that many Riots, Disturbances, and evil Deeds have been made and done within your Kingdom, to the Offence of you and your Royal Estate, in which I myself was, with others, present; not with an ill Intent on purpose to offend you, for I knew not then it was any Fault or Offence against you: But, Sir, since I am now better informed, I confess my Offences, and, in so doing, I beg your Mercy and Pardon.' Upon which the King graciously accepted of the humble Prayer and Confession of the Duke; granted him the Pardon he asked, in full Parliament, for whatever he had done in the Things above said, or deserved for them; promised to be his good Lord, and declared openly to all the Estates, that he had granted him full Pardon for the Matters aforesaid.

After which the said *Henry of Lancaster*, Duke of *Hereford*, came to the King with a Schedule in his Hand, and said, 'That he had already, by his Majesty's Command, been before him at *Hawode*, where he had inform'd him that *Thomas Mowbray*, Duke of *Norfolk*, had spoken many dishonest Words in Slander of his

K k 2

Royal

K. Richard II. ' Royal Person, which were spoken to himself, and that  
 ' then his Majesty charged him, upon his Allegiance,  
 ' that he would truly repeat the Words as they were  
 ' spoken: That, not out of Malice or any other Cause,  
 ' but only as he was bound to obey the King's Com-  
 ' mand, he had now put down in Writing the Words  
 ' which the Duke of *Norfolk* spake to him, to the best  
 ' of his Remembrance, as they were contained in this  
 ' Schedule, which he delivered to the King; with a  
 ' Protestation, at the same Time, to add or diminish  
 ' when he pleased, or as it might be needful, saving al-  
 ' ways the Substance of the present Writing;' which  
 ' was to this Effect <sup>z</sup>:

[ 49<sup>i</sup> ]

' That in the Month of *December*, in the 21<sup>st</sup> Year  
 ' of your Reign, the Duke of *Hereford*, travelling be-  
 ' tween *Brainford* and *London*, met the Duke of *Nor-*  
 ' *folk* with a great Train, and discoursed with him of  
 ' divers Matters, amongst which he told him they were  
 ' all ready to be undone; and the Duke of *Hereford*  
 ' demanded why? He answered, For the Fact at *Radcot-*  
 ' *Bridge*. The Duke of *Hereford* said, How can that  
 ' be; for the King hath shewed us Favour, and declared  
 ' us in Parliament to have been good and loyal towards  
 ' him? The Duke of *Norfolk* answered, Notwithstand-  
 ' ing that, it will be done to us as has been done to others  
 ' before, for he will vacate this Record. The Duke of  
 ' *Hereford* replied, This would be a great Wonder, since  
 ' the King had said it before all the People that he should  
 ' afterwards make it be annulled: And further, the Duke  
 ' of *Norfolk* said, This was a marvellous World, and  
 ' false; for I know well, said he, that if <sup>a</sup>  
 ' my Lord your Father and you had been taken or kil-  
 ' led when you came to *Windsor* after the Parliament  
 ' was up, that the Dukes of *Albemarle* and *Exeter*, the  
 ' Earl of *Worcester*, and himself, were agreed never to  
 ' undo any Lord without just and reasonable Cause;  
 ' and that the Malice of this Fact was in the Duke of  
 ' *Surrey*, with the Earls of *Wiltshire* and *Salisbury*, draw-  
 ' ing

<sup>z</sup> There is a strange Mistake in Sir *John Froisart's* Chronicle, or in the  
 Record; for the former says, expressly, ' That it was the Duke of *Norfolk*  
 ' who accused the Duke of *Hereford* for slanderous Words spoken by him  
 ' against the King;' and gives all the Circumstances at large. Book IV.  
 cap. cccxviii.

<sup>a</sup> Not legible in the Record.

ing to them the Earl of *Gloucester*, who had sworn to K. Richard II.  
undo six other Lords ; that is to say, the Dukes of  
*Lancaster*, *Hereford*, *Albemarle*, and *Exeter*, with  
the Marquis of *Dorset*, and himself. He also said,  
they purposed to reverse the Judgment of Earl *Thomas*  
of *Lancaster*, and hereby we and many others should  
be disinherited. The Duke of *Hereford* said, God  
forbid, for it would be a great Wonder if the King  
should assent to this ; for it was with a chearful Coun-  
tenance that he promised to be a good Lord to them  
and others ; and also that he knew he had sworn it by  
St. *Edward* : And the Duke of *Norfolk* answered, He  
had done the same to him many Times, and sworn by  
the Body of God ; and that, for all this, he was never  
the more to be trusted ; and further said to the Duke of  
*Hereford*, That the King was about to draw the Earl  
of *March* and others to the same Agreement and Pur-  
pose of the said four Lords to destroy the rest afore-  
said. The Duke of *Hereford* replied, If it be so, we  
can never trust them. The Duke of *Norfolk* returned,  
For certain not ; for although they cannot accomplish  
their Designs at present, yet they will be contriving  
ten Years from this Time to destroy us in our Houses.

This Complaint, in Writing, having been read before  
the King and Lords, it was then ordained by him, with  
the Assent of all the other Estates, That the Matters  
therein comprized should be determined and ended by  
the good Advice and Discretion of the King, and the  
Commissioners already assigned by Authority of Parlia-  
ment. The Reason of constituting these Commissioners  
we have reserved as the finishing Stroke to the long Pro-  
ceedings of this Parliament, since they were to act by  
that Authority, and to be, in a judicial Way, the Re-  
presentatives of the whole Body. For,

[ 492 ]

On this last Day of the Session, *January 31*, the  
Commons prayed the King, ' That whereas they had  
' before them divers Petitions, as well for special Per-  
' sons as others, not read and answered ; and also many  
' other Matters and Things had been moved in the Pre-  
' sence of the King, which, for Shortness of Time, could  
' not be well determined, that it would please his Maje-  
' sty to commit full Power to certain Lords and others,  
' there named, to examine, answer, and dispatch the

The Authority  
of the whole  
Parliament dele-  
gated to twelve  
Lords and six  
Commoners.



K. Richard II.

‘Petitions, Matters, and Things abovesaid, and all Dependancies on them.’ To this Prayer the King gave his Assent; and thereupon, by Authority of all the Estates, it was ordained, That *John Duke of Lancaster, Edmund Duke of York, Edward Duke of Albemarle, Thomas Duke of Surrey, John Duke of Exeter, John Marquis of Dorset, Roger Earl of March, John Earl of Salisbury, Henry Earl of Northumberland, Thomas Earl of Gloucester, Thomas Earl of Winchester, and William Earl of Wiltshire*, Proctor for the Clergy, or any six of them, together with *John Buffy, Henry Green, John Russel, Robert Teye, Henry Chelmswike, and John Golosfre*, Knights, deputed by the Commons in that Parliament, or any four or three of these shall have full Power to execute, answer, and fully determine all the said Petitions, with their Complaints; as also all other Matters and Things moved in the Presence of the King, with all other Dependancies upon them, not yet determined, as they shall think best by their good Advice and Discretion to act in these Affairs by Authority of Parliament<sup>a</sup>.

[ 493 ]

Thus, after a Multiplicity of Business transacted in a very little Time, was this Parliament dissolved; the first Session lasting but twelve Days, and the last but four. The three Estates of which it was composed parted in very good Humour with one another. The King, as usual, commanded the Chancellor to return them all his hearty Thanks for their Diligence and quick Dispatch of Business in it; and ordered the Knights, Citizens, and Burgesses to sue out Writs for their Wages, and gave them Leave to depart. The various Reflections which have been made by Historians on the Conduct of this Parliament, we shall not touch upon; the Authors themselves may be perused, and every Reader form his own Judgment by them. We shall only add, what Mr. Tyrrel observes, ‘That, by this last Act, the whole Power and Authority of the Kingdom was now devolved upon the King, twelve Peers, and six Commoners; and how arbitrarily they used it, may be seen in the Sequel<sup>b</sup>.’

But it is necessary here, to keep up the Thread of this History, to step out of Parliament a little, and pursue the

<sup>a</sup> Rot. Parl. 21 Rich. II. No. 54.

<sup>b</sup> Tyrrel's History of England, Vol. III. p. 982.

the Quarrel which was begun in the last Session betwixt <sup>K. Richard II.</sup> the two Noblemen aforeſaid. We have ſaid the Deciſion of it was left to the laſt-named Committee, in general, or a particular Number of them. No ſooner was the Parliament diſſolved, but both the Dukes appeared before the King at *Oſwaldſtree*, when a further Day was aſſigned to meet them at *Windſor*. In the mean Time the King, Lords, and Knights aboveſaid, agreed that the Determination of the Difference ſhould be according to the Laws of Chivalry, if other Proof or Evidence could not be found for the ending of this Diſpute by the ordinary Courſe of Law. But no further Proof being produced by either of the Parties, they both appeared at the Place laſt mentioned, on the Day prefixed, to receive the King's Judgment thereon.

Hereupon, as it had been determined by the King and the Committee of Parliament, at *Oſwaldſtree*, his Majeſty ordained, ſince there was no other Way to ſettle the Difference, that it ſhould be determined by ſingle Combat at *Coventry*, on a Day appointed for that Purpoſe.

Our general Hiſtorians are here again very particular in deſcribing all the Circumſtances of this famous Duel that was to be; and much pompous Language is uſed in the Account of the Preparations and Appearance of the two Noble Combatants. But we ſhall content ourſelves in following ſtrictly the Tenor of the Record, by which, though the Reader will find himſelf abridged in the ceremonial Part, he may be ſatisfied with the real one.

[ 494 ]

The two Dukes having accepted of the Trial by Duel, as above, they both appeared at *Coventry*, at the Time prefixed, which was *September 16*, the ſame Year, ready at all Points to decide the bloody Controverſy; when the King took the Battle into his own Hands, as the Record has it, and, by the full Advice, Authority, and Aſſent of the Committee of Parliament, decreed and ordained, ‘ That, for the Peace and Tranquillity of himſelf, his Kingdom, and his Subjects, and ‘ to avoid the Debates and Troubles that might not ‘ only ariſe between the two Dukes, but amongſt their ‘ Friends and Followers, the Duke of *Hereford* ſhould ‘ be baniſhed the Kingdom for ten Years, to depart on ‘ or before the 13th of *October* next, upon the Penalty ‘ of

K. Richard II. of incurring Treason, by Authority of Parliament. Also it was ordained, by the Authority aforesaid, under the same Penalty, that the Duke of *Hereford* should not come in Company with the Duke of *Norfolk*, nor with *Thomas Arundele*, Archbishop; nor send, or cause to be sent, nor receive, or cause to be received, any Message or otherwise, to or from either of them.' As to the Duke of *Norfolk*, it was decreed, 'That forasmuch as he had confessed certain Points of the Accusation, before the King at *Windsor*, on the 29th of *April* last, which he had denied at *Oswaldstree*, on the 23d of *February* foregoing, and which were very likely to breed great Trouble within the Kingdom, the King desiring to punish, as rightful Lord, all such as were the Authors of such Troubles and Debates, and willing also to avoid the Occasion of them, adjudged and ordained, by the same Advice, Authority, and Assent of the Committee, that *Thomas Duke of Norfolk* should void the Realm, for Term of Life, and that he shall be out of the Kingdom by the 20th of *October* next coming, to reside in *Germany*, *Bohemia*, and *Hungary*, and other Parts of *Christendom*, upon Pain to incur Treason, by the Authority aforesaid. Further, that he should not come into the Company of the Duke of *Hereford*, nor of *Thomas Arundele*, nor send or receive Messages, &c. as in the Case of the other. And it was likewise ordained, by the said Authority, That if either of the Dukes, or any for them, do procure any Thing to be done against the least Point in this Ordinance, or what was done on the 16th of *September*, he or they shall incur the Penalty of Treason, as if it had been done against any other Ordinance of the Parliament, begun at *Westminster* and adjourned to *Shrewsbury*. Lastly, If they, or any for them, should seek for any Manner of Pardon or Licence to return home, they were also to incur the same Penalty, by the same Authority.'

[ 495 ]

The Dukes of  
*Hereford* and  
*Norfolk* banished  
by the said  
Committee.

The Duke of *Hereford*, at his taking Leave of the King at *Eltham*, behaved himself so respectfully, and bore his Sentence with so much Unconcernedness, that his Majesty was then pleased to declare, that he would abate four Years of his Exile. The Duke of *Norfolk*, in great Grief and Discontent, went into *Germany*, and  
from

from thence to *Venice*, where not long after he died; unlamented of any, either at home or abroad, leaving the Character of a cruel, false, and unconstant Person. Mr. *Tyrrel* observes, That the Sentence of his Banishment was pronounced on the very Day Twelvemonth on which the Duke of *Gloucester* had, by his Orders, been murdered at *Calais*. So just, adds he, is the Divine Vengeance, not only in punishing ill Actions, but in causing of them to be attended with such Circumstances, that the World may take Notice of them.

But to return to the Transactions of the King and his Committee of Parliament. On the 14th of *October* his Majesty, with the Dukes of *Lancaster*, *York*, *Albemarle*, *Surrey*, and *Exeter*, the Marquis of *Dorset*, the Earls of *March*, *Salisbury*, and *Gloucester*, *John Bussy*, *Henry Green*, and *John Russel*, Knights, being again assembled, by Virtue of the Authority to them committed in the Parliament at *Shrewsbury*, made certain Ordinances and Statutes, five whereof are printed in the *Statutes at large*. The last of these relating only to our Purpose, and varying somewhat from the Roll, 'wants this Addition, viz. ' The King, on the Day above-mentioned, by the Assent ' of the Lords and Knights of Counties assigned by Authority of Parliament, doth ordain, That every Person that procureth or endeavoureth to repeal or reverse ' any of the Statutes or Ordinances made by the King ' and the said Committee, and that being duly proved ' in Parliament, shall be adjudged and have Execution as ' a Traitor to the Kingdom, in like Manner as they ' which endeavour or procure to be repealed the Statutes ' and Ordinances made during the Time of the Sitting ' of the said Parliament.' Besides this, there was a Provision made, for their greater Security, that the Oath of every Bishop, at his receiving his Temporalities, and of every Lay-Lord, when he had Livery of his Lands and Tenements, should be enlarged with these Additions: That of the Bishops was as follows:

You shall swear, that well and truly you shall hold, maintain, and stand to, without Fraud or Deceit, all the Statutes, Establishments, Ordinances, or Judgments made and rendered in the Parliament summoned and begun at Westminster, on the Monday next after the Exaltation  
of



**K. Richard II.** *of Holy Cross, in the Year of the Reign of our Lord King Richard II. after the Conquest, twenty-one, and from thence adjourned to Shrewsbury, to the Quindene of St. Hilary then next coming, and there ended. And also all the Statutes and Ordinances made after the said Parliament by the King and Lords, and Knights of Shires, coming for the Commons to that Parliament, without going or doing to the contrary of any of them, or the Dependents on, or Parcel of, them; nor that you will ever repeal, revoke, make void, reverse, or annul, nor ever suffer them to be repealed, revoked, cassated, made void, reversed, or annulled, so long as you live; saving to the King his Royalty, Liberty, and Right of his Crown.*

To the Oath of the Temporal Lords was this Addition :

**¶ 497 ]** *You shall swear, that you will never suffer, in Time to come, any Man living to do any Thing contrary to any of the Statutes, Establishments, Ordinances, and Judgments abovesaid, nor any Dependents on, or Part of, them. And if any one so do, and be thereof duly convicted, you shall use your utmost Power and Diligence, without Fraud or Deceit, to prosecute him before the King, or his Heirs Kings of England, and cause him to have Execution as an high Traitor to the King and Kingdom; saving to the King his Regality, Liberty, and Right of his Crown.*

By such Means as these did this Juncto of a Parliament fortify themselves in their new-got Power, and endeavour to ratify and transmit their Proceedings to all Posterity. But, by driving on too fast, they broke their Reins, and, in a very short Space, brought their unhappy Governor, as well as themselves, to utter Destruction.

About *Candlemas*, in the next Year, 1399, died *John Duke of Lancaster*, the King's Uncle, who had just lived to see his eldest Son banished, and have a Vote himself in the Sentence of it. By the Duke's Death, the Title, vast Estate, and Honours of that Branch of the Royal Family, ought to have devolved upon *Henry Duke of Hereford*, his Son; but the King, jealous of so great Power in so near a Relation. took Occasion to prevent it; for, on the 8th of *March* following, the Commissioners that had the Authority of Parliament delegated to them, met again at *Westminster*; where they declared that

Their other violent and arbitrary Proceedings.

that *Henry Duke of Hereford*, after the Judgment given K. Richard II. against him at *Coventry*, had procured Letters Patent from the King, that, during his Absence, he might, by his Attorney, sue and have Livery of any Lands descended to him, and have his Homage respited till his Return. These Letters Patent the Commissioners declared were against Law; wherefore the King, by the Advice and Assent of the said Committee, revoked these Letters Patent, as also the like made to the Duke of *Norfolk* <sup>c</sup>.

This was the largest Stride that ever this misguided King took towards his own Destruction: For if, on his Uncle of *Lancaster's* Death, he had recalled his Son from Banishment, and had restored him to his natural Inheritance and Honours, he could have had no Pretence to lay Claim to any higher Titles. *Froisart*, the Historian of these Times, is entirely of this Opinion <sup>d</sup>: Another *French* Author, but of a much later Date, says, 'That the King not only confiscated all the Duke of *Hereford's* Estate, but, by a Sentence as unjust as his Banishment, made it perpetual <sup>e</sup>.' We doubt that our latter *Frenchman* is mistaken in this, since we have not met with it on any Authority, either in the Records, or in any Historian whatsoever.

[ 498 ]

It is true that the King and Committee above-mentioned were not contented with what they had done against the present Duke of *Lancaster*, but they proceeded most severely against one *Henry Bowett*, Clerk <sup>f</sup>, who had been his Solicitor in this Business. For, on the 23d of *April* following, being then assembled at *Windſor*, he was brought before them; and it being shewn to the King that the said *Bowett* had been the Contriver and Manager of the Petition upon which the Letters Patent had been granted, he was also, by the said Committee, which had the Authority of Parliament, adjudged a Traitor, and sentenced to be hanged, drawn, beheaded, and quartered, and all his Lands and Tenements, Goods and Chattels, to be forfeited. But the King, because he was his Chaplain, pardoned the Execution of the Judgment, and granted him his Life, but banished

<sup>c</sup> Rot. Parl. 21 *Richard II.* No. 87, 88.

<sup>d</sup> *Froisart's Chron.* Book IV. cap. ccxxxv.

<sup>e</sup> *Rapin*, Folio Edit. p. 470.

<sup>f</sup> Afterwards made Archbishop of *York* by *Henry IV.*

*K. Richard II.* banished him the Kingdom for ever. On the same Day *Robert Plesington*, Knight, tho' dead before, was adjudged a Traitor for being in the Action with the Duke of *Gloucester* and the two Earls aforesaid, and all his Castles, Manors, Lands, &c. forfeited to the King.

And now did the King and the Committee of Parliament go on with unlimited Power to commit many arbitrary and unprecedented Acts, of which our larger Historians take sufficient Notice. But it is somewhat remarkable, that all the Blame is laid singly, by most of them, on the King himself; when it is certain that his Coadjutors, the Deputies of Parliament, ought to bear some of the Scandal; since they must have been advising and consenting to these arbitrary Edicts, and no doubt had a Share in the Plunder collected by them.

[ 499 ]

But, in order to bring this unhappy Monarch to his Catastrophe, and to declare how far a Parliament of *England* had a Hand in it, it is necessary to mention some coincident Circumstances, in order to clear it up the better to the Reader.

The new Duke of *Lancaster*, who was more irritated at this last Treatment than at his Banishment, was then in *France*: To him the discontented Nobility and Gentry of *England* applied themselves, as the only Man that, by his Birth, Power, and Popularity, could redress their Grievances. The Duke received their Addresses at first very slightly; but, being settled at last in his Resolutions by *Thomas Arundele*, Archbishop of *Canterbury*, then also banished, who came to him in Disguise for that Purpose, he determined to try his Fortune in *England* on the first Opportunity<sup>m</sup>.

It was not long before a very fair one offered; for an Account having been brought to Court that *Roger Earl of March*, the King's Lieutenant in *Ireland*, had been there slain by the Natives, to revenge his Death and subdue that Country entirely, the King levied a considerable Force, and went over in Person with them. Towards which Expedition also he raised Money by several undue Ways, taking up Carriages, Victuals, and other Necessaries without paying for them; by which,

and

<sup>m</sup> See the Speech that the Archbishop is said to have made to the Duke, to persuade him to this Enterprize, in *Collier's Ecclesiastical History*, Vol. 1. p. 605.

The King goes  
to Ireland.

and many other imprudent and rash Practices, he made K. Richard II. himself and Government very disagreeable to his People.

The new Duke of *Lancaster*, taking Advantage of In whose Absence the Duke of Lancaster lands in England, and claims the Crown. King *Richard's* Absence, with *Thomas Arundele*, Archbishop of *Canterbury*, the Son and Heir of the late Earl of *Arundele*, and a small Company of others<sup>n</sup>, took Shipping in *France*, and hovering a while on the *English* Coast, to spy if there were any ready to resist them, they, at length, landed at *Raversburg*, in *Yorkshire*°.

[ 500 ]

At first, the Duke gave out that he came only to recover his own Inheritance; but finding himself soon joined by *Henry Piercy* Earl of *Northumberland*, and *Henry*, named *Hotspur*, his Son, *Ralph* Earl of *Westmoreland*, and other Lords, and an Army of 60,000 Men, he altered his Tone, and boldly laid Claim to the Kingdom. With these Forces the Duke made a speedy March to *Bristol*, besieged the Castle, and took it; in which was the Earl of *Wiltshire*, Lord-Treasurer, *Sir John Buffy*, and *Sir Henry Green*<sup>p</sup>, of the late Juncto of Parliament; who, the next Day, by the Clamour of the People, and without any further Process, had their Heads struck off.

The Duke of *York*, the King's Uncle, who was left Guardian of the Realm in his Absence, with several Bishops, Lords, and others, of the King's Council, consulted what to do in this Exigency, but could come to no Resolution about it. In the mean Time, as soon as the King was informed in *Ireland* of the Duke's Landing, he secured his Sons, and the Sons of the Duke of *Gloucester*, who were with him, in *Trim* Castle, in that Kingdom. Then, with the Dukes of *Albemarle*, *Exeter*, and *Surrey*, with the Bishops of *London*, *Lincoln*, and *Carlisle*, and many others, he took Shipping with all Speed, in order to go over and raise such a Force as might hinder the Duke's Progress. But, on his Landing, when he found how Matters went, and that the People and greater Part of the Lords had forsaken him,

The King returns,

and

<sup>n</sup> Not exceeding twenty Lances, and his whole Retinue sixty Persons. *Sir J. Hayward*, p. 68. *Anonymous Life of Rich. II.* p. 181.

° Now called *Spurn-Head*, a Promontory on the *Holderness* Coast. In a Charter granted to one *Matthew Dantborp*, a Frier Eremit, who had built a Chapel there, and which King *Henry IV.* thought fit to endow, with some Sea-Coast Revenues, for his happy Landing at that Place, it is called *Ravenferspoune*: More antiently, the *Ocellum Promontorium* of the Romans. *Fæd. Ang.* Tom. VIII. p. 89.

<sup>p</sup> See before, p. 492, 518.



**R. Richard II.** and were gone over to Duke Henry, he laid aside all Thoughts of fighting, and even dismissed his Family; giving them Notice, by Sir Thomas Piercy, his Steward, that they might provide for and reserve themselves for better Times. After this, the King shifted up and down and was here and there for many Days, the Duke following him with his Army; untill at last he fixed at the Castle of *Conway*, in *Wales*, from whence he sent to speak with the Archbishop and the Earl of *Northumberland*. They immediately waited on his Majesty, to whom he declared, *That he would quit his Government, if he might have his Life secured, and an honourable Provision made for himself, and eight Persons that he should name.* This being granted and confirmed, the King went to *Flint Castle*; where, after a short Conference with the Duke of *Lancaster*, they mounted their Horses together, and rode to *Chester* that Night; the Duke's numerous Army still following<sup>1</sup>.

[ 501 ]

And agrees to  
resign the King-  
dom.

He is committed  
Prisoner to the  
Tower till the  
Parliament could  
meet,

At *Chester*, Writs of Summons were issued out, in King *Richard's* Name, for a Parliament to meet on the Morrow of St. *Michael*, or the 30th of *September*, dated *August 29*, from *Chester*. In the mean Time, the King was brought up to *London*, and secured in the Tower, untill the Parliament should sit; and all the Instruments of his Cession, Resignation, and Deposition, with the Articles against him, could be prepared.

This Method of Proceeding, most Authors have agreed, was first proposed in Council by the Duke of *York*, in order to fix their intended Revolution on the surest Foundation. He argued, 'That King *Richard's* Resignation would be imputed only to Fear, and his Depri-

<sup>1</sup> *P. D'Orleans* says, the Defection was so general, that even the King's favourite little Greyhound left him to fawn upon the Duke; *Lors qu'ils alloient monter a Cheval, pour prendre ensemble le Chemin de Londres, une chose extraordinaire attirera les Yeux & l'Attention de tout le Monde. Le Roy avoit un beau Levrier, l'Histoire n'a pas dedaigné d'en conserver le Nom pour la rareté du fait; il s'appelloit Math, & étoit de ces Chiens qui ne connoissent & ne caressent que leur Maître. Cet Animal, qui avoit coutume de chercher le Roy parmi cent autres, de le demeler, de s'attacher a luy, n'eut pas plutot apperceu le Duc, qu'il vint droit a luy, & luy fit tant de Caresses, que ce Prince en fut étonné, & demanda ce que cela signifioit. C'est un Augure aussi heureux pour vous, qu'il m'est funeste, répondit le Roy: Ce Chien vous caresse comme Roy d'Angleterre, & m'abandonne comme un Roy déposé. Le pronostique plut au Duc. Il caressa le Levrier, qui oubliant en cette Occasion la Fidelité naturelle aux Chiens pour prendre l'Ingratitude des Hommes, abandonna un Maître malheureux. pour suivre un Homme qu'il voyoit favoriser de la Fortune. Revolutions d'Angleterre, Tom. II. p. 118.*

' Deprivation to Force ; whereof the one is always pi-<sup>K. Richard II.</sup>  
 ' tied and the other envied. But, if both concur, and  
 ' his Desire to resign be equal to his Merit of it, then,  
 ' says he, it will appear that he neither is expelled his  
 ' Kingdom by mere Constraint, nor quitted it without  
 ' just Cause.' This Advice was unanimously resolved  
 upon, and guessing, rightly, that the unfortunate King  
 would agree to any Thing they would have him, the  
 Instruments as aforesaid were got ready for the Pur-  
 pose.

[ 502 ]

Notwithstanding all their Care, Duke *Henry* and  
 his Council were somewhat puzzled how to proceed in  
 this great Affair on another Account ; the Archbishop  
 of *Canterbury* having objected, that the Moment King  
*Richard's* Renunciation was made, and his Cession and  
 Deposition taken, the Parliament would be absolutely  
 dissolved. Hereupon it was thought necessary, as soon  
 as the Parliament was met, to have new Writs ready  
 to issue out for calling another. Accordingly, when  
 the aforesaid Ceremony was over, which met with no  
 Opposition from the unhappy King, fresh Writs came  
 out, dated at *Westminster*, *September* 30th, to the Lords,  
 and all the Knights, Citizens, and Burgesses, through-  
 out *England*, which were made returnable in six Days  
 Time ; for they were summoned to meet at *Westminster* Which is called  
 on the approaching Festival of *St. Faith*, the Virgin, in *Richard's*  
 which is the sixth Day of *October* following ; these Name.  
 double Writs being still extant on Record to prove it.  
 That these last were the very same Members that came  
 on the first Summons, though called in *Henry's* Name,  
 appears also beyond Contradiction, by the Writs for  
 their Wages or Expences, which *Dr. Brady* has taken  
 Care to preserve<sup>m</sup>. By these it is apparent that they  
 were dated *November* 19, the last Day of the Parlia-  
 ment's sitting, and the Members were allowed their Ex-  
 pences for fifty-one Days, besides the Time of their  
 coming and returning ; in which fifty-one Days the  
 30th of *September* must be included, and all the rest be-  
 tween the Feast of *St. Faith*, or the sixth of *October*  
 following, to make up the Number. This is a Piece of  
 State Policy not thought proper to be taken Notice of  
 by *Tyrrel*, or any of the Writers on that Side of the  
 Que-

K. Richard II. Question, but ought not to be omitted by any impartial Historian.

[ 503 ]

The Members of both Houses being come up, they met in a very pompous and unusual Manner, Sept. 30, 1399, in the Great Hall at *Westminster*, which the unfortunate King had just re-edified, and was sumptuously set off on this Occasion. At the upper End of the Hall was placed a Royal Throne, or Chair of State, which was empty, and near it the Bishops in Order; on the other Side, sat the Lords Temporal, and by them the whole Body of the Commons. At the Head of the Lords sat the Duke of *Lancaster*, next him the Duke of *York*, the Dukes of *Albemarle*, *Surrey*, and *Exeter*, with the Marquis of *Dorset*; after them, in Order, sat the Earls of *Arundele*, *Norfolk*, *March*, *Stafford*, *Pembroke*, *Salisbury*, and *Devonshire*; the Earls of *Northumberland* and *Westmoreland* did not sit down, but went about, from Place to Place, as Occasion required them <sup>n</sup>.

This Piece of new Pageantry being adjusted, which *Walsingham* says was *absque Præsidente quocunque* <sup>o</sup>, a Committee of Bishops, Lords, and Commons was appointed to go to King *Richard*, then a Prisoner in the Tower of *London*, with the Instruments of his Renunciation and Deposition ready drawn up for that Purpose.

But as the Proceedings of this second Parliament, if we may so call it, do, strictly speaking, belong to the next Reign, we think this a Crisis very proper to conclude our First Volume. The Character of this King is best seen by his Conduct in the several Stages of these Inquiries; and we shall only subjoin what two Writers, neither of them Friends to the Prerogative, have left concerning him.

His Character.

‘ This Prince never shewed himself more worthy to govern than when he was deposed as unworthy of it: For thereby it appeared that his Regal State was not so dear to him as a private Life; which if he had been suffered to enjoy quietly, perhaps he might have finished his Days more happily than under the Toil and Burden of a Crown <sup>p</sup>.

‘ It

<sup>n</sup> *Stowe's Chronicle*, p. 323.

<sup>o</sup> *Hist. Ang.* p. 359.

<sup>p</sup> Mr. *Tyrrel* in his *History of England*.

‘ It is observable that in the two greatest Exigencies <sup>K. Richard II.</sup> of this Prince’s Life he appeared differing from himself; one in the Resignation of his Crown, the other in the Loss of his Life. The first he did with a steady Calmness, almost above the Temper of a Man; the last with a Courage equal to the bravest. In smaller Concerns he seemed unsteady and amazed; in these great ones, firm and unconcerned: But in these Extremities he was not clogged with those Favourites and Ministers that influenced him with their Weakness, and shook his Mind with their Indirectness; making not only their Cause to be his, but his Nature theirs: This seemed justified by his Behaviour in these last and greatest Extremities; when, acting wholly for himself, he intitled himself at last to his Grandfather’s and Father’s Courage and Virtue; what they never gave him Leave to appear when Living<sup>9</sup>.’

[ 504 ]

### TAXES in this King’s Time.

**I**N his first Year he had two Fifteenths without Cities and Boroughs, and two Tenths within Cities and Boroughs for two Years granted him; and in the same Year a Poll-Tax was granted for the War against France<sup>1</sup>.

The next Year the former Subsidy of Wooll, Leather, and Wooll fells, was granted for three Years; also 6 *d.* in the Pound on all Merchandize imported and exported for one Year.

In his third Year the Parliament granted to the King one Fifteenth and a Half, without the Cities and Boroughs, and one Tenth and a Half within those Places; and the Subsidies on Wooll, Leather, and Wooll-fells, for one Year more.

In his fourth Year there was a Capitation-Tax of three Groats of every Person of the Kingdom, Male or Female, of the Age of sixteen Years, of what State and Condition soever, except Beggars. This was granted for the Expedition into *Brittany*<sup>2</sup>; but occasioned an Insurrection under *Wat Tyler* and *Jack Straw*. They also renewed the old Subsidy on Wooll, &c.

VOL. I.

L I

In

<sup>9</sup> Reflections upon the Reigns of *Edward II.* and *Richard II.* by the Honourable Sir *Robert Howard*. Octavo, London 1690, p. 172.

<sup>1</sup> *Ret. Parl. in hoc Arno.*

<sup>2</sup> *Hollinghead, Polydore Vergil.*



K. Richard II.

[ 505 ]

In his sixth Year the former Subsidy on Wooll and Leather was farther continued for four Years, for the Assistance of the *Portugueze*; and the same Year a Tenth and a Fifteenth was granted for the War with *France*.

In his seventh Year there was granted Two Half-Fifteenths, with Tonnage and Poundage as before, for the War. The same Year the Parliament gave the King the Moiety of a Tenth and a Fifteenth against *Scotland* and *France*; and afterwards, for the same Purpose, two Fifteenths.

In his ninth Year there was granted for the Duke of *Lancaster's* Voyage into *Spain*, for the Safe-keeping of the Sea and Marches of *Scotland*, a full Tenth and Fifteenth, and Half a Tenth and Fifteenth. The Clergy gave a Tenth: Also the Laity granted of every Sack of Wooll 2*l.* 2*s.* 4*d.* of Natives; of Aliens, 2*l.* 6*s.* 8*d.* and of Wooll-fells and Leather according to the old Rate.

In his tenth Year the Parliament granted Half a Tenth in Spirituals, and Half a Fifteenth on all Temporals. They likewise gave him of every Ton of Wine imported or exported 3*s.* and 12*d.* on every Pound of Merchandize.

In his eleventh Year there was granted Half a Tenth and Half a Fifteenth; and also a Subsidy upon Leather, Wooll, and Wooll-fells, with Tonnage and Poundage as usual.

In his twelfth Year there was granted to the King Half a Tenth from the Clergy, and Half a Fifteenth from the Laity, in order to carry on the War against *Scotland* for the next Year.

In his thirteenth Year there was a Subsidy granted of 33*s.* 4*d.* on every Sack of Wooll exported, of Natives; 36*s.* 8*d.* of Strangers; of every Last of Leather, five Marks from the former, and half a Mark more of the latter. Wooll-fells, &c. 240 were taxed the same as Wooll. Wine *per* Ton 3*s.* and 6*d.* a Pound on dry Goods.

In his fourteenth Year the Parliament granted to the King, on every Sack of Wooll, 43*s.* 4*d.* for Denizens; for Aliens, 46*s.* 8*d.* on every Last of Leather, six Marks for Denizens, and seven Marks for Aliens; on every 240 Wooll-fells, &c. 43*s.* 4*d.* for Denizens, and  
46*s.*

46 s. 7 d. for Aliens; Wine the same as before; but <sup>K. Richard II.</sup> Merchandize 12 d. per Pound.

In his fifteenth Year the Lords and Commons granted to the King Half a Tenth and Half a Fifteenth, with one other whole Tenth, as it is call'd, and one Fifteenth; conditionally, That if the King went not personally into *France* or *Scotland* against his Enemies, or that Peace was made, then the said Subsidies should remain to be employed upon the sole Defence of the Realm.

[ 506 ]

In his sixteenth Year they gave the same Subsidy as was granted in the eleventh Year of his Reign, for three Years, together with Half a Tenth and Half a Fifteenth.

In his seventeenth Year the Commons granted the King, for three Years, a Subsidy upon Wooll, Wooll-fells, &c. 3 s. upon every Ton of Wine, and 12 d. upon every Pound of Merchandize, as in the eleventh Year of his Reign; so as this Money should only be employed for the Defence of the Realm.

The Clergy granted also a full Tenth, if the King went over; otherwise only Half a Tenth.

In his eighteenth Year the Clergy gave a Tenth, and the Commons a Fifteenth.

In his twentieth Year the Parliament granted 12 d. in the Pound of all Merchandize imported, and 3 s. per Pound on every Ton of Wine for three Years to come.

The Clergy also gave Half a Tenth on their Temporalities.

And in his twenty-first Year the King had granted him the Subsidy on Wooll, Leather, and Wooll-fells for his Life; with one whole Tenth and Fifteenth, and Half a Tenth and Fifteenth. But this extravagant Grant was made one of the Articles against this unhappy Prince in the succeeding Reign<sup>u</sup>.

Towards forming some Notion of the Value of these Taxes, take the following Account of

*The Price of PROVISIONS in this Reign.*

In the Year 1379 Wheat was sold for 4 s. a Quarter; White Wine 6 d. a Gallon, and Red 4 d.<sup>x</sup> The low Price of Corn, at this Time, was pleaded by the Commons against granting a Supply<sup>y</sup>.

In

<sup>u</sup> See Vol. II. p. 20. — <sup>x</sup> *Stowe's Chronicle*, — <sup>y</sup> *Ibid.*

K. Richard II.

In 1382 Wine sold for 4 *l.* a Ton.

In 1387 Barley was sold at *Leicester* <sup>z</sup> for 2 *s.* a Quarter, and Wheat for 2 *s.* Pease 1 *s.* Siligo, a Kind of Bastard Wheat, 1 *s.*

[ 507 ]

In 1390 Wheat sold at the same Town for 16 *s.* 8 *d.* for 14 *s.* and 13 *s.* 4 *d.* a Quarter; Wooll, on account of a Law against the Exportation of it, sold for 3 *s.* for 2 *s.* and even for 20 *d.* a Stone.

<sup>z</sup> *Henry Knyghton.**The END of the FIRST VOLUME.*





